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WILMINGTON PARTNERS, LLC

RESOLUTION

July 1, 2019

Pursuant to the requirements of the Operating Agreement of Wilmington Partners, LLC (the "Company") this instrument acknowledges the unanimous approval of the sole Members of Development Associates Partners, LLC, sole Manager of the Company, of the joint application (the "Application") for revocable license agreement for Lightship Marina on Turner's Creek, Chatham County, Georgia (the "License"). Guy Davidson, as a Member of the Manager of the Company, acting alone, is hereby authorized, empowered and directed to execute and deliver, on behalf of the Company, the Application and such other documents, instruments, certificates and agreements to be signed in connection with the Application, along with any amendments or supplements thereto, and assignments or terminations thereof.

All acts in furtherance of the making of the Application and the issuance of the License taken heretofore by Guy Davidson are hereby ratified as the authorized acts of the Company.

Executed as of the date first above written.



Michael Kistler



Guy Davidson

WILMINGTON

Plantation

ON THE INTRACOASTAL

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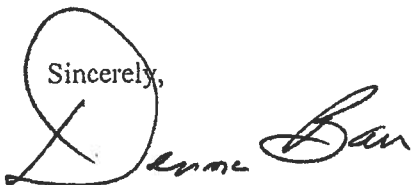
Mr. Paul Tobler
Georgia Department of Natural Resources
Coastal Resources Division
One Conservation Way, Suite 300
Brunswick, Georgia 31520-8687

**Subject: Coastal Marshlands Protection Act Permit Application
Letter of Permission
Lightship Marina
Chatham County, Georgia**

Dear Mr. Tobler:

I, Dennis Barr, am the President of Wilmington Plantation Owner's Association, Inc. (the "Association") This letter shall confirm that the Association hereby gives permission to, and pursuant to O.C.G.A Section 12-S-287(e) assigns its right of access to, Wilmington Partners, LLC to use the tidal water bottoms and marshland of Turner Creek north of the Association's property to construct and operate the Lightship Marina as described in the September 13, 2018 application for a Coastal Marshlands Protection Committee Permit, as amended and modified from time to time, any riparian rights to Turner's Creek being hereby waived by the Association. The Board of Directors of the Association is familiar with the permit application and the proposed activity which includes installation of a fixed dock structure and new floating docks on Turner Creek. The Board of Directors of the Association understands that carrying out the project-related activities encroaches upon the marshland and tidal water bottoms of Turner Creek which is contiguous to the land the Association may have lawful authority to use. The Board of Directors of the Association understands that this permission does not create any contract rights and that the proposed activity is subject to change or the site may be deleted as a project location either by the Applicant, or as a result of the Committee's actions.

Sincerely,



Dennis Barr
President, Wilmington Plantation
Owner's Association, Inc.

Bennett, Buck

From: Bennett, Buck
Sent: Wednesday, July 17, 2019 7:48 AM
To: Labarba, Sam
Subject: FW: WILMINGTON PARTNERS LLC, CMP20180029

From: Brady, Kevin
Sent: Tuesday, July 16, 2019 6:11 PM
To: Brandon Wall <B_Wall@slighec.com>; 'Robert McCorkle' <rlm@mccorklejohnson.com>
Cc: Tobler, Paul <paul.tobler@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>; 'Guy Davidson' <gpd@daicommercial.com>; 'Jason Ball' <jason@ballmaritime.com>
Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

Dear Mr. Wall:

Retaining the professional rapport I've developed with you exceeds any counter position you may have about this applications formalisms, which are guardedly discussed below, so as not to strain our rapport while simultaneously providing, what I believe is an explanation or basis for requesting the materials.

Stated differently Brandon, I have a lot of respect for you and I want to work through problems in such a manner that this gets favorably resolved as soon as possible.

I witnessed Mr. Tobler familiarizing himself independently without instruction or directive researching historical title documents and plats trying to think through the various interests. He personally took on the challenge of understanding an area that was the center of the legal community's attention for the better part of 8 years surrounding the DBL saga. He is the "Staff who identified additional information that is needed before the application can be placed on public notice". Mr. Tobler requested items only after accumulating much knowledge and information by his own initiative, some of which is ordinarily and statutorily required to be supplied by the Applicant.

This project is moving forward to Public Notice cautiously and deliberately. You did talk to me about ownership. That discussion left off at the idea that the Applicant believed it had privileges to access marsh not fronting its property and that the Applicant's strategy was to appeal to the sound discretion of the Committee going forward. At that time the Applicant wanted to use water bottoms without the participation of 3rd party landowners. The Applicant then, covering all the bases, with the guidance of Tobler, brought in WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC.

We are back at providing deeds (Condo Declarations) because after our discussion, probably in reliance on Mr. Tobler's guidance, the participation of the adjoining landowner was interjected. It is basic that O.C.G.A. Section 12-5-286(b)(4) requires the deed (Condo declaration being a form of deed) of the 3rd party landowner together with its' permission. You have submitted the permission but not the deed (Condo Declaration). So, I ask again, please submit the deed (Condo Declaration) that shows WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC. claim of title to the highland/marsh (Lot 37) and any plat that is referenced in their deed that describes Lot 37 and its adjoining marsh. Or as it turns out the Condo dominion and control over the common area that is Lot 37.

Kevin F. Brady
Compliance & Enforcement Analyst
Coastal Resources Division
(912) 264-7218 | M: (912) 554-3439
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From: Brandon Wall [mailto:B_Wall@slighec.com]
Sent: Tuesday, July 16, 2019 5:11 PM
To: 'Robert McCorkle' <rlm@mccorklejohnson.com>; Brady, Kevin <Kevin.Brady@dnr.ga.gov>
Cc: Tobler, Paul <paul.tobler@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>; 'Guy Davidson' <gpd@daicommercial.com>; 'Jason Ball' <jason@ballmaritime.com>
Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

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Thanks, Robert.

Kevin, I would never insinuate that DNR is narrow minded in trying to assist. To the contrary, I think DNR Staff has been very open, responsive, and helpful in working with us to come to a good resolution on this project, and I look forward to continuing to work with you guys. It would be helpful though if all additional information items are included in one RAI letter so we can try to provide everything needed at one time instead of going back and forth.

I'm not sure how we changed the rational for utilization of the water bottoms to the west, but we'll try to get you the requested information.

Thanks,

Brandon W. Wall
Project Biologist
sligh **environmental consultants, inc.**
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405
t. 912.232-0451 / f. 912.232.0453
<http://www.slighec.com>

From: Robert McCorkle <rlm@mccorklejohnson.com>
Sent: Tuesday, July 16, 2019 4:43 PM
To: Brady, Kevin <Kevin.Brady@dnr.ga.gov>; Brandon Wall <B_Wall@slighec.com>
Cc: Tobler, Paul <paul.tobler@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>; 'Guy Davidson' <gpd@daicommercial.com>; 'Jason Ball' <jason@ballmaritime.com>
Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

Kevin,
I will provide you with the information I have here.

Attached is the Secretary of State annual registration for the Association which shows Dennis Barr as President. As you may know, there is no deed into the Association for the common area because Wilmington Plantation is a condominium.

From: Brandon Wall [mailto:B_Wall@slighec.com]

Sent: Tuesday, July 16, 2019 1:05 PM

To: Brady, Kevin <Kevin.Brady@dnr.ga.gov>

Cc: Tobler, Paul <paul.tobler@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>; 'Robert L. McCorkle III' <RLM@mccorklejohnson.com>; 'Guy Davidson' <gpd@daicommercial.com>; 'Jason Ball' <jason@ballmaritime.com>

Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

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Kevin,

Thanks for touching base, but I'm a little confused by this second round of additional info request. The letter we received from you guys several months ago states that "Staff has identified additional information that is needed before the application can be placed on public notice" and requests 6 items which we addressed in our response letter. I was under the impression this was what was needed to move the project forward to Public Notice. I also talked to you a while ago about ownership, and we've been working with Staff on the site plan, design, etc., since September, so I don't know why we are back at providing deeds, modifying the application forms, and questioning the owners capacity to sign the application.

Please see below responses to each item:

- 1) Mr. Davidson is a founding member of Wilmington Partners, LLC and has the capacity to sign for the LLC. We've never been asked by DNR to pull an Operating Agreement or Articles of Incorporation to prove someone's position in a company or ability to sign the application.
- 2) The letter from DNR states "the Department has determined Wilmington Plantation Condo Association owns upland on Lot 37 that claims rights on the area of Turner Creek which the applicant proposed to impact" and goes on to request a letter from them. DNR has already determined the Condo Association owns Lot 37 and has riparian rights to Turner Creek, so I assume you guys have a copy of the deed. It was not requested in the DNR RAI letter, and we obtained permission to use the water bottoms from the Condo Association as requested. It should also be noted that Lot 37 and Turner Creek are separated by over 1,000 feet of marsh. Dennis Barr is the President of the Wilmington Plantation Owners Association and has the ability to sign on their behalf. Being the President, there is no one else higher in the organization, so not sure what else can be provided.
- 3) The letter from the Condo Association assigns the applicant the right to access, use, enjoy, modify, etc. the state owned water bottoms. This is language I have worked with you on several times in the past, and it was vetted through the applicant's lawyer. We understand a water bottoms lease will be required, and we're pleased to provide whatever may be necessary for that, but the letter of permission we provided should be sufficient to put the project on Public Notice. Not sure what else can be provided by the Condo Association assigning access to the water bottoms.
- 4) The application forms were submitted in September 2018 and have been reviewed by Staff. No changes were requested. The forms were prepared in accordance with the vast majority of the CMPA Permit applications I've submitted in the past and seem to be consistent with other application forms that are currently on CRD Public Notice. But revised forms are attached as requested.
- 5) See response to Item 4 above

Hope this helps clarify.

Thanks,

Brandon W. Wall
Project Biologist

Thank you for your interest in Georgia's natural resources and I look forward to reviewing the materials requested above as their receipt will bring the Applicant closer to a substantially completed Coastal Marshlands Protection Committee permit application.

Respectfully,

Kevin F. Brady
Compliance & Enforcement Analyst
Coastal Resources Division
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Tobler, Paul

From: Brady, Kevin
Sent: Wednesday, August 28, 2019 9:26 AM
To: Tobler, Paul
Subject: FW: WILMINGTON PARTNERS LLC, CMP20180029

There's no record of the "sale"

From: Tobler, Paul <paul.tobler@dnr.ga.gov>
Sent: Monday, July 15, 2019 8:55 PM
To: Brady, Kevin <Kevin.Brady@dnr.ga.gov>
Subject: Re: WILMINGTON PARTNERS LLC, CMP20180029

Thanks for your diligence and attention to detail Kev. Like you, I believe we must see through every last nuance of this application. Let me know how else I can help.

Sincerely,

Paul Tobler
Coastal Permit Coordinator
Coastal Resources Division
(912) 262-3134 | M: (912) 689-6261
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From: Brady, Kevin
Sent: Monday, July 15, 2019 3:12:15 PM
To: b_wall@slighec.com
Cc: Tobler, Paul; Noble, Josh; Bennett, Buck; Andrews, Jill
Subject: WILMINGTON PARTNERS LLC, CMP20180029

Subject: WILMINGTON PARTNERS LLC, Applicant CMP20180029

Dear Mr. Wall:

In reviewing the pending application by WILMINGTON PARTNERS LLC, (Commonly known as Lightship Marina) - I notice:

The first order of business is to demonstrate that Mr. Davidson has the capacity to sign for and bind WILMINGTON PARTNERS LLC. I found no public record to support his capacity. WILMINGTON PARTNERS LLC's Operating Agreement or a Corporate Resolution will suffice.

Second, WILMINGTON PARTNERS LLC's reliance on permission [OCGA Section Section12-5-286(b)(4)] from WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC. must be supplemented by (A) WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC's deed wherein WILMINGTON PLANTATION OWNERS'

ASSOCIATION, INC. claims ownership of the highland (& marsh) it is giving permission to WILMINGTON PARTNERS LLC to use (or waiving any interest in) and (B) just like the Applicant, WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC also has to demonstrate that Dennis Barr can sign for and has the capacity to bind WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC. In essence I have just described is support documentation for mere permission to file the application for the permit found at O.C.G.A. Section 12-5-286(b)(4).

Third, because the project has over 500 linear feet of floating dock space, a state water bottoms lease is required resulting in the need for not only mere permission as mentioned above but also a formal assigned right of access to WILMINGTON PARTNERS LLC from WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC. This project requires not only permission as required by O.C.G.A. Section 12-5-286(b)(4) but also a written assignment of the right of access or an assignment of the right of access as referred to in O.C.G.A. Section 12-5-287(e).

Fourth, the first page of the application has N/A for the military district, N/A for the Subdivision, N/A for the Lot No. and leaves "In City or Town" blank as it does also "the Name of the Nearest Creek, River or Sound, Bay or Hammock".

Fifth, the revocable license request omits the Lot, Block & Subdivision Name from Deed, and as of yet we have not determined Davidson's capacity to sign and bind WILMINGTON PARTNERS, LLC.

I imagine the fastest way to resolve items 4 and 5 is for you to populate the fields with the requested information as called for by the applications on their face. Populating the fields of the department's various form documents may be understood by some as unnecessary but I understand that the fields are to be populated, that is until I am instructed by my superiors to disregard such omissions as harmless and acceptable. Meanwhile, your populating the fields now, poses no delay under the circumstance.

Thank you for your interest in Georgia's natural resources and I look forward to reviewing the materials requested above as their receipt will bring the Applicant closer to a substantially completed Coastal Marshlands Protection Committee permit application.

Respectfully,

Kevin F. Brady
Compliance & Enforcement Analyst
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Brady, Kevin

From: Brady, Kevin
Sent: Wednesday, July 17, 2019 11:47 AM
To: Robert McCorkle
Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

Yes.

From: Robert McCorkle [mailto:rlm@mccorklejohnson.com]
Sent: Wednesday, July 17, 2019 9:06 AM
To: Brady, Kevin <Kevin.Brady@dnr.ga.gov>
Cc: Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>
Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

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Kevin,

I am not sure it makes sense to quote the whole Section. My thought is to add the following into the second sentence of the letter: "and pursuant to OCGA Section 12-5-287(e) assigns its rights of access".

This will incorporate the whole section and be clear that the access rights are being assigned. Does that work for you?
Robert

Robert L. McCorkle, III
McCorkle & Johnson, LLP
912.232.6141 (Direct)
www.mccorklejohnson.com

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From: Brady, Kevin [mailto:Kevin.Brady@dnr.ga.gov]
Sent: Tuesday, July 16, 2019 6:16 PM
To: Robert McCorkle <rlm@mccorklejohnson.com>
Cc: Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>
Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

I will accept that (somewhat reluctantly) if it mirrors back verbatim the law at O.C.G.A. Section 12-5-287(e) and the condo Declaration is consistent with dominion and control.

From: Robert McCorkle [<mailto:rlm@mccorklejohnson.com>]
Sent: Tuesday, July 16, 2019 5:55 PM
To: Brady, Kevin <Kevin.Brady@dnr.ga.gov>
Cc: Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>
Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

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Kevin,
So if we get them to add language to the letter that the letter constitutes an assignment of their rights of access under OCGA Section 12-5-287(e), will that suffice?
Robert

Robert L. McCorkle, III
McCorkle & Johnson, LLP
912.232.6141 (Direct)
www.mccorklejohnson.com

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From: Brady, Kevin [<mailto:Kevin.Brady@dnr.ga.gov>]
Sent: Tuesday, July 16, 2019 5:46 PM
To: Robert McCorkle <rlm@mccorklejohnson.com>
Cc: Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>
Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

Counselor:

I sensed you were associated with the project and I think you are a talented lawyer. For what it is worth.

Taken your statement about the Condo as true, because we have no real knowledge here about that. We have only the product of Mr. Tobler's investigation of various materials available as public record that caused him to conclude an Association is involved. So given that a Condo involvement then the Applicant needs to send the Declaration you describe instead of a deed. We do that all the time substitute Condo Declarations for deeds as we did with one of your other clients

who got ahead of themselves in rebuilding their dock. Be that as it may, please send the Declaration to show the Association has dominion and control over the common areas bordering the marsh at Lot 37 and any plat reference in the dedication of land to the common area.

Permission and Assigned Right of Access are separate issues. They are even annotated separately. I think it is hazardous to try and blend the two legal concepts into a single document like Barr's letter. The assignment being akin to an interest in land. But if the letter from Barr mirrored back the language of O.C.G.A. Section 12-5-287(e) assigned right of access, I would have accepted it despite my misgivings that the two legal concepts be blended into one document as attempted.

Thanks for your help.

With much respect,

Kevin F. Brady

From: Robert McCorkle [<mailto:rlm@mccorklejohnson.com>]
Sent: Tuesday, July 16, 2019 4:49 PM
To: Brady, Kevin <Kevin.Brady@dnr.ga.gov>
Cc: Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>
Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

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For what it is worth, I was involved in getting the approved letter from the Association. They claim no use in the water bottoms in Turner's Creek and have agreed to allow us full rights to use it if they in fact have any right to do so, which I believe they do not. All parties have been working extremely hard to get this done.

Robert L. McCorkle, III
McCorkle & Johnson, LLP
912.232.6141 (Direct)
www.mccorklejohnson.com

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From: Brady, Kevin [<mailto:Kevin.Brady@dnr.ga.gov>]
Sent: Tuesday, July 16, 2019 4:45 PM
To: Robert McCorkle <rlm@mccorklejohnson.com>
Cc: Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Andrews, Jill

<Jill.Andrews@dnr.ga.gov>

Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

Thanks. I am working late on a reply to Wall. I will cc you. Thanks again for your much needed help.
Kevin

From: Robert McCorkle [<mailto:rlm@mccorklejohnson.com>]

Sent: Tuesday, July 16, 2019 4:43 PM

To: Brady, Kevin <Kevin.Brady@dnr.ga.gov>; Brandon Wall <B_Wall@slighec.com>

Cc: Tobler, Paul <paul.tobler@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>; 'Guy Davidson' <gpd@daicommercial.com>; 'Jason Ball' <jason@ballmaritime.com>

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Kevin,
I will provide you with the information I have here.

Attached is the Secretary of State annual registration for the Association which shows Dennis Barr as President. As you may know, there is no deed into the Association for the common area because Wilmington Plantation is a condominium. The Association's control of the common areas is established in the Declaration of Condominium itself, not a separate deed. The Condominium Act gives the Association Board full authority.

As for Wilmington Partners, I formed it. I will send you a resolution signed by the Members authorizing Guy's signature.
Thanks,
Robert

Robert L. McCorkle, III
McCorkle & Johnson, LLP
912.232.6141 (Direct)
www.mccorklejohnson.com

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From: Brady, Kevin [<mailto:Kevin.Brady@dnr.ga.gov>]

Sent: Tuesday, July 16, 2019 1:53 PM

To: Brandon Wall <B_Wall@slighec.com>

Cc: Tobler, Paul <paul.tobler@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>; Robert McCorkle <rlm@mccorklejohnson.com>;

'Guy Davidson' <gpd@daicommercial.com>; 'Jason Ball' <jason@ballmaritime.com>

Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

Dear Mr. Wall:

Thank you for your reply.

Frankly, the second round is brought about by you changing the rationale for utilization of the property not fronting property owned by the Applicant.

Meanwhile, your posturing as if the agency is narrow minded in trying to assist you in completing an application according to the principles set out in the statutory requirements only causes delay the type of which is brought about by my having to return to this matter in a principled and thought out reply.

Thanks again for partially submitting the materials asked for and needed to complete the application. You can look forward to my categorical reply to the above email in the days to come.

Respectfully,
Kevin F. Brady

From: Brandon Wall [mailto:B_Wall@slighec.com]

Sent: Tuesday, July 16, 2019 1:05 PM

To: Brady, Kevin <Kevin.Brady@dnr.ga.gov>

Cc: Tobler, Paul <paul.tobler@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>; 'Robert L. McCorkle III'

<RLM@mccorklejohnson.com>; 'Guy Davidson' <gpd@daicommercial.com>; 'Jason Ball' <jason@ballmaritime.com>

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- 3) The letter from the Condo Association assigns the applicant the right to access, use, enjoy, modify, etc. the state owned water bottoms. This is language I have worked with you on several times in the past, and it was vetted through the applicant's lawyer. We understand a water bottoms lease will be required, and we're pleased to provide whatever may be necessary for that, but the letter of permission we provided should be sufficient to put the project on Public Notice. Not sure what else can be provided by the Condo Association assigning access to the water bottoms.
- 4) The application forms were submitted in September 2018 and have been reviewed by Staff. No changes were requested. The forms were prepared in accordance with the vast majority of the CMPA Permit applications I've submitted in the past and seem to be consistent with other application forms that are currently on CRD Public Notice. But revised forms are attached as requested.
- 5) See response to Item 4 above

Hope this helps clarify.

Thanks,

Brandon W. Wall
Project Biologist
sligh **environmental consultants, inc.**
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405
t. 912.232-0451 / f. 912.232.0453
<http://www.slighec.com>

From: Brady, Kevin <Kevin.Brady@dnr.ga.gov>
Sent: Monday, July 15, 2019 3:12 PM
To: b_wall@slighec.com
Cc: Tobler, Paul <paul.tobler@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>
Subject: WILMINGTON PARTNERS LLC, CMP20180029

Subject: WILMINGTON PARTNERS LLC, Applicant CMP20180029

Dear Mr. Wall:

In reviewing the pending application by WILMINGTON PARTNERS LLC, (Commonly known as Lightship Marina) - I notice:

The first order of business is to demonstrate that Mr. Davidson has the capacity to sign for and bind WILMINGTON PARTNERS LLC. I found no public record to support his capacity. WILMINGTON PARTNERS LLC's Operating Agreement or a Corporate Resolution will suffice.

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WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC. In essence I have just described is support documentation for mere permission to file the application for the permit found at O.C.G.A. Section 12-5-286(b)(4).

Third, because the project has over 500 linear feet of floating dock space, a state water bottoms lease is required resulting in the need for not only mere permission as mentioned above but also a formal assigned right of access to WILMINGTON PARTNERS LLC from WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC. This project requires not only permission as required by O.C.G.A. Section 12-5-286(b)(4) but also a written assignment of the right of access or an assignment of the right of access as referred to in O.C.G.A. Section 12-5-287(e).

Fourth, the first page of the application has N/A for the military district, N/A for the Subdivision, N/A for the Lot No. and leaves "In City or Town" blank as it does also "the Name of the Nearest Creek, River or Sound, Bay or Hammock".

Fifth, the revocable license request omits the Lot, Block & Subdivision Name from Deed, and as of yet we have not determined Davidson's capacity to sign and bind WILMINGTON PARTNERS, LLC.

I imagine the fastest way to resolve items 4 and 5 is for you to populate the fields with the requested information as called for by the applications on their face. Populating the fields of the department's various form documents may be understood by some as unnecessary but I understand that the fields are to be populated, that is until I am instructed by my superiors to disregard such omissions as harmless and acceptable. Meanwhile, your populating the fields now, poses no delay under the circumstance.

Thank you for your interest in Georgia's natural resources and I look forward to reviewing the materials requested above as their receipt will bring the Applicant closer to a substantially completed Coastal Marshlands Protection Committee permit application.

Respectfully,

Kevin F. Brady
Compliance & Enforcement Analyst
Coastal Resources Division
(912) 264-7218 | M: (912) 554-3439
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GEORGIA DEPARTMENT OF NATURAL RESOURCES

Brady, Kevin

From: Brady, Kevin
Sent: Tuesday, July 16, 2019 6:11 PM
To: Brandon Wall; 'Robert McCorkle'
Cc: Tobler, Paul; Noble, Josh; Bennett, Buck; Andrews, Jill; 'Guy Davidson'; 'Jason Ball'
Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

Dear Mr. Wall:

Retaining the professional rapport I've developed with you exceeds any counter position you may have about this applications formalisms, which are guardedly discussed below, so as not to strain our rapport while simultaneously providing, what I believe is an explanation or basis for requesting the materials.

Stated differently Brandon, I have a lot of respect for you and I want to work through problems in such a manner that this gets favorably resolved as soon as possible.

I witnessed Mr. Tobler familiarizing himself independently without instruction or directive researching historical title documents and plats trying to think through the various interests. He personally took on the challenge of understanding an area that was the center of the legal community's attention for the better part of 8 years surrounding the DBL saga. He is the "Staff who identified additional information that is needed before the application can be placed on public notice". Mr. Tobler requested items only after accumulating much knowledge and information by his own initiative, some of which is ordinarily and statutorily required to be supplied by the Applicant.

This project is moving forward to Public Notice cautiously and deliberately. You did talk to me about ownership. That discussion left off at the idea that the Applicant believed it had privileges to access marsh not fronting its property and that the Applicant's strategy was to appeal to the sound discretion of the Committee going forward. At that time the Applicant wanted to use water bottoms without the participation of 3rd party landowners. The Applicant then, covering all the bases, with the guidance of Tobler, brought in WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC.

We are back at providing deeds (Condo Declarations) because after our discussion, probably in reliance on Mr. Tobler's guidance, the participation of the adjoining landowner was interjected. It is basic that O.C.G.A. Section 12-5-286(b)(4) requires the deed (Condo declaration being a form of deed) of the 3rd party landowner together with its' permission. You have submitted the permission but not the deed (Condo Declaration). So, I ask again, please submit the deed (Condo Declaration) that shows WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC. claim of title to the highland/marsh (Lot 37) and any plat that is referenced in their deed that describes Lot 37 and its adjoining marsh. Or as it turns out the Condo dominion and control over the common area that is Lot 37.

There is no modifying the application form. You were asked to complete the department's standard forms. I do not understand the reluctance to do that, always and initially, without having to be asked to take the time to fill in the application's blank fields. Those fields have been on the applications for decades.

Thank you for advising that Mr. Davidson is a founding member of Wilmington Partners, LLC and has the capacity to sign for the LLC. However, he is not listed as signatory with the Secretary of State's records, although he is the registered agent according those records, but that does not mean he has capacity. Nor was I able to rely on any other conventional means, such as financing instruments or other matters of public record to have some evidence of his capacity.

If you have never been asked for an Operating Agreement or Resolution to verify someone's position in a company or ability to sign the application and bind the corporation to its agreements with the state, then it is because I have independently found a source of some evidence of capacity. You are indeed lucky in that regard if you were never asked before, because

it has always been my practice, and if you need verify that, you can ask your colleagues or competitors that I ask it from them and they routinely provide the proof, often without request. It is simply sound corporate practice. I venture to say that if Mr. Davidson is a founding member of the LLC then he would be grateful that we protect his interest in insuring that no one abuses his authority. Factually, Carla Simerly is listed as the authorized signature on the Secretary of State's records. I was providing you an option in asking for verification of Davidson's capacity. If you do not want to show Davidson's capacity, then please have Carla Smiley sign the Application(s).

Mr. Tobler probably relied on the Chatham County Tax Digest in summarizing "the Department has determined Wilmington Plantation Condo Association owns upland on Lot 37 that claims rights on the area of Turner Creek which the applicant proposed to impact" and goes on to request a letter from them. Again, Mr. Tobler went about acquiring knowledge and information by his own initiative that it is ordinarily the applicant's responsibility to provide. Mr. Tobler, despite all his effort, cannot warrant on the Applicant's behalf corporate entity that may have an interest to protect under the law. More importantly Mr. Tobler relied on a system generally known and historically found unreliable for up to date information regarding title to property and he did so in an obvious attempt to move the project forward. Again, the law at O.C.G.A. Section 12-5-286(b)(4) puts the responsibility on the Applicant to provide the deed and permission so Mr. Tobler was only providing guidance, not the substantive documentation.

Now as to Dennis Barr and WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC.'s permission. Please consider what I have said above in relation to Mr. Davidson. Mr. Barr is listed as CEO on the Secretary of State's records. Kim Williamson is listed as the authorized signature for WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC.'s. Yes, there is some evidence that Barr has the capacity to sign but given the contradiction in the name of the authorized signature and the frequency in which Associations change officers, I was asking for support documentation. Given the circumstance we will rely on Barr being listed as a corporate officer, although that does not universally mean all officers can bind corporations. So, consider that a request withdrawn.

I think it is a mistake to try and blend permission under that O.C.G.A. Section 12-5-286(b)(4) with right of access or an assignment of the right of access as referred to in O.C.G.A. Section 12-5-287(e). They two types of statutory required documentation and are even annotated separately under Georgia case law. Moreover, yes you have worked with me on several times in the past, and I recognize the language we used in the past but the writing or permission from WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC.'s does not explicitly state WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC.'s is giving an assignment of the right of access or an assignment of the right of access as referred to in O.C.G.A. Section 12-5-287(e).

Frankly, the letter is sufficient as permission but it is vague as to assignment of the right of access or an assignment of the right of access as referred to in O.C.G.A. Section 12-5-287(e). That language is not in the letter by Barr. It is my firm belief that the Applicant is safeguarded by having two separate instruments thereby removing the possibility of some interpretation that the Applicant did not have both permission and the assigned right of access which was the fundamental dispute in the saga of DBL.

All that I have requested from you are materials that will perfect the Applicant's interest in the eventual permit. It is hoped that all we do, all that is possible to do, to cut off appeals and litigation as went on in DBL.

Kevin F. Brady
Compliance & Enforcement Analyst
Coastal Resources Division
(912) 264-7218 | M: (912) 554-3439
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GEORGIA DEPARTMENT OF NATURAL RESOURCES

From: Brandon Wall [mailto:B_Wall@slighec.com]
Sent: Tuesday, July 16, 2019 5:11 PM
To: 'Robert McCorkle' <rlm@mccorklejohnson.com>; Brady, Kevin <Kevin.Brady@dnr.ga.gov>

Cc: Tobler, Paul <paul.tobler@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>; 'Guy Davidson' <gpd@daicommercial.com>; 'Jason Ball' <jason@ballmaritime.com>
Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

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Thanks, Robert.

Kevin, I would never insinuate that DNR is narrow minded in trying to assist. To the contrary, I think DNR Staff has been very open, responsive, and helpful in working with us to come to a good resolution on this project, and I look forward to continuing to work with you guys. It would be helpful though if all additional information items are included in one RAI letter so we can try to provide everything needed at one time instead of going back and forth.

I'm not sure how we changed the rational for utilization of the water bottoms to the west, but we'll try to get you the requested information.

Thanks,

Brandon W. Wall
Project Biologist
sligh **environmental consultants, inc.**
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405
t. 912.232-0451 / f. 912.232.0453
<http://www.slighec.com>

From: Robert McCorkle <rlm@mccorklejohnson.com>
Sent: Tuesday, July 16, 2019 4:43 PM
To: Brady, Kevin <Kevin.Brady@dnr.ga.gov>; Brandon Wall <B_Wall@slighec.com>
Cc: Tobler, Paul <paul.tobler@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>; 'Guy Davidson' <gpd@daicommercial.com>; 'Jason Ball' <jason@ballmaritime.com>
Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

Kevin,
I will provide you with the information I have here.

Attached is the Secretary of State annual registration for the Association which shows Dennis Barr as President. As you may know, there is no deed into the Association for the common area because Wilmington Plantation is a condominium. The Association's control of the common areas is established in the Declaration of Condominium itself, not a separate deed. The Condominium Act gives the Association Board full authority.

As for Wilmington Partners, I formed it. I will send you a resolution signed by the Members authorizing Guy's signature.
Thanks,
Robert

Robert L. McCorkle, III
McCorkle & Johnson, LLP
912.232.6141 (Direct)
www.mccorklejohnson.com

CONFIDENTIALITY NOTICE: This electronic mail transmission has been sent by a lawyer. It may contain information that is confidential, privileged, proprietary, or otherwise legally exempt from disclosure. If you are not the intended recipient, you are hereby notified that you are not authorized to read, print, retain, copy or disseminate this message, any part of it, or any attachments. If you have received this message in error, please delete this message and any attachments from your system without reading the content and notify the sender immediately of the inadvertent transmission. There is no intent on the part of the sender to waive any privilege, including the attorney-client privilege, that may attach to this communication. Thank you for your cooperation.

From: Brady, Kevin [<mailto:Kevin.Brady@dnr.ga.gov>]
Sent: Tuesday, July 16, 2019 1:53 PM
To: Brandon Wall <B_Wall@slighec.com>
Cc: Tobler, Paul <paul.tobler@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>; Robert McCorkle <rlm@mccorklejohnson.com>; 'Guy Davidson' <gpd@daicommercial.com>; 'Jason Ball' <jason@ballmaritime.com>
Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

Dear Mr. Wall:

Thank you for your reply.

Frankly, the second round is brought about by you changing the rationale for utilization of the property not fronting property owned by the Applicant.

Meanwhile, your posturing as if the agency is narrow minded in trying to assist you in completing an application according to the principles set out in the statutory requirements only causes delay the type of which is brought about by my having to return to this matter in a principled and thought out reply.

Thanks again for partially submitting the materials asked for and needed to complete the application. You can look forward to my categorical reply to the above email in the days to come.

Respectfully,
Kevin F. Brady

From: Brandon Wall [mailto:B_Wall@slighec.com]
Sent: Tuesday, July 16, 2019 1:05 PM
To: Brady, Kevin <Kevin.Brady@dnr.ga.gov>
Cc: Tobler, Paul <paul.tobler@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>; 'Robert L. McCorkle III' <RLM@mccorklejohnson.com>; 'Guy Davidson' <gpd@daicommercial.com>; 'Jason Ball' <jason@ballmaritime.com>
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Kevin,

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Please see below responses to each item:

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Hope this helps clarify.

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t. 912.232-0451 / f. 912.232.0453
<http://www.slighhec.com>

From: Brady, Kevin <Kevin.Brady@dnr.ga.gov>

Sent: Monday, July 15, 2019 3:12 PM

To: b_wall@slighhec.com

Cc: Tobler, Paul <paul.tobler@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>

Subject: WILMINGTON PARTNERS LLC, CMP20180029

Subject: WILMINGTON PARTNERS LLC, Applicant CMP20180029

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Compliance & Enforcement Analyst
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Tobler, Paul

From: Brady, Kevin
Sent: Tuesday, July 16, 2019 1:54 PM
To: Tobler, Paul
Subject: FW: WILMINGTON PARTNERS LLC, CMP20180029
Attachments: 20190716125227407.pdf

Paul:
Please insert the submitted materials into the application file.
Thank you,
Kevin

From: Brandon Wall [mailto:B_Wall@slighec.com]
Sent: Tuesday, July 16, 2019 1:05 PM
To: Brady, Kevin <Kevin.Brady@dnr.ga.gov>
Cc: Tobler, Paul <paul.tobler@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; Bennett, Buck <Buck.Bennett@dnr.ga.gov>; Andrews, Jill <Jill.Andrews@dnr.ga.gov>; 'Robert L. McCorkle III' <RLM@mccorklejohnson.com>; 'Guy Davidson' <gpd@daicommercial.com>; 'Jason Ball' <jason@ballmaritime.com>
Subject: RE: WILMINGTON PARTNERS LLC, CMP20180029

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Project Biologist
sligh **environmental consultants, inc.**
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<http://www.slighec.com>

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Sent: Monday, July 15, 2019 3:12 PM

To: b_wall@slighec.com

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Subject: WILMINGTON PARTNERS LLC, Applicant CMP20180029

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Second, WILMINGTON PARTNERS LLC's reliance on permission [OCGA Section Section12-5-286(b)(4)] from WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC. must be supplemented by (A) WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC's deed wherein WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC. claims ownership of the highland (& marsh) it is giving permission to WILMINGTON PARTNERS LLC to use (or waiving any interest in) and (B) just like the Applicant, WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC also has to demonstrate that Dennis Barr can sign for and has the capacity to bind WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC. In essence I have just described is support documentation for mere permission to file the application for the permit found at O.C.G.A. Section 12-5-286(b)(4).

Third, because the project has over 500 linear feet of floating dock space, a state water bottoms lease is required resulting in the need for not only mere permission as mentioned above but also a formal assigned right of access to WILMINGTON PARTNERS LLC from WILMINGTON PLANTATION OWNERS' ASSOCIATION, INC. This project requires not only permission as required by O.C.G.A. Section12-5-286(b)(4) but also a written assignment of the right of access or an assignment of the right of access as referred to in O.C.G.A. Section 12-5-287(e).

Fourth, the first page of the application has N/A for the military district, N/A for the Subdivision, N/A for the Lot No. and leaves "In City or Town" blank as it does also "the Name of the Nearest Creek, River or Sound, Bay or Hammock".

Fifth, the revocable license request omits the Lot, Block & Subdivision Name from Deed, and as of yet we have not determined Davidson's capacity to sign and bind WILMINGTON PARTNERS, LLC.

I imagine the fastest way to resolve items 4 and 5 is for you to populate the fields with the requested information as called for by the applications on their face. Populating the fields of the department's various form documents may be understood by some as unnecessary but I understand that the fields are to be populated, that is until I am instructed by my superiors to disregard such omissions as harmless and acceptable. Meanwhile, your populating the fields now, poses no delay under the circumstance.

Thank you for your interest in Georgia's natural resources and I look forward to reviewing the materials requested above as their receipt will bring the Applicant closer to a substantially completed Coastal Marshlands Protection Committee permit application.

Respectfully,

Kevin F. Brady
Compliance & Enforcement Analyst
Coastal Resources Division
(912) 264-7218 | M: (912) 554-3439
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A division of the
GEORGIA DEPARTMENT OF NATURAL RESOURCES

Respectfully,

Kevin F. Brady
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7/15/19

Paul -

Do not treat this as if I have signed off. They alter their approach with permission (such as it is).

I wrote Wall a email and will send it only after approval by Management.

Brady

light house Ship

sligh environmental consultants, inc

July 8, 2019

Mr. Paul Tobler
Georgia Department of Natural Resources
Coastal Resources Division
One Conservation Way, Suite 300
Brunswick, Georgia 31520-8687

**Subject: Response to RAI
Lightship Marina
Chatham County, Georgia**

Dear Mr. Tobler:

We are in receipt of your letter requesting six additional information items for the Lightship Marina project in Chatham County. On behalf of Wilmington Partners, LLC (applicant), Sligh Environmental Consultants, Inc. (SECI) is pleased to submit the below additional information in response to your letter. The comments are included in italic below followed by our response:

Item 1:

The applicant owns 248ft. of waterfront and proposes to impact approximately 720ft. of shoreline along Turner Creek. O.C.G.A. 12-5-282(6) states: "Eligible person" means any person who is the owner of high land adjoining the state- owned marshland or water bottoms, or combination thereof, sought to be leased by said person such that at least 100 percent of the landward boundary of the state-owned marshland or water bottom, or combination thereof, sought to be leased is bordered by said adjoining high land." Based upon research of historical ownership interests of the properties adjacent to the state-owned marshland west of Lot 36, the Department has determined the Wilmington Plantation Condo Association owns upland on Lot 37 that claims rights on the area of Turner Creek which the applicant proposes to impact. Another important note is the result of the court case DBL, Inc. v. Carson in which it was found that DBL, Inc. was not an eligible person as stated in 12-5-287(b) to acquire a water bottoms lease for the area of Turner Creek that the applicant proposes to impact. Please address these issues with an assigned right of access from the owners of the upland on Lot 37 and keeping in mind that the Committee has final say on whether or not the applicant is an "eligible person".

Response:

In 1972, the previous owners of Lot 36 (the Carsons) leased their property to Baker Yachts for the development of a marina on the subject property. This upland lease was valid until 2002. In 1985, DBL purchased Baker Yachts' assets and assumed the upland lease. In 1996, the Atlanta Committee for Olympic Games obtained a temporary permit to add floating docks west of Lot 36 to support Olympic yachting events. After the Olympics, DBL obtained CMPA Permit #329 to permanently retain these floats. A water bottoms lease was also obtained for all structures including those extending west of Lot 36. When the Carson upland lease expired in 2002, DBL removed some of the structures in front of Lot 36 and installed access to the docks from 606 Wilmington Island Road (Lot 33). This work was authorized in CMPA Permit #439, but Special Condition #1 stated that the permit did not authorize the use of the floats in front of Lot 36. The subsequent legal proceedings stemmed from the fact that the Carsons no longer wanted Sail Harbor Marina to operate in front of their property and objected to the presence of the floating docks which had been previously permitted and in place for many years. Ultimately, DBL was deemed a non-eligible person for Lot 36 because they no longer had a lease with the owners, not because they infringed upon the riparian right of Lot 37.

The Consent Order and Partial Judgment issued in 2015 in the Superior Court of Chatham County (CV02-0542-AB) stated that the "Western Property" (e.g. the property located west of Lot 36) is owned by the State of Georgia. It does not state that the riparian rights to the Western Property are owned by Lot 37 (which is located on the Wilmington River). We have not reviewed all of the legal documentation or court rulings in great detail, but we are not aware of any other ruling that stated the previous docks that were permitted by DNR in 1996 infringed upon the riparian rights of the owners of Lot 37. Based on the precedent that was set by these previous actions of the State of Georgia, it appears the owner of Lot 36 would have the same riparian rights to the water bottoms west of the property as was authorized in previous water bottoms leases and CMPA Permits issued to the Lessee of Lot 36.

Lot 37 which is owned by Wilmington Plantation Condo Association (WPCA) fronts the Wilmington River, and a significant marsh parcel (owned by the State of Georgia on SAGIS) separates it from the Lightship property (Lot 36). The entire western boundary of Lot 36 is fronted by these state-owned waters, and we believe they would qualify as an eligible person if they were to apply for a dock permit to the west of the site instead of to the north. Extending WPCA's riparian right to the north as asserted by the Department would infringe upon the riparian rights that the applicant has on its western property boundary. If the riparian right to this section of Turner Creek belongs to Lot 37, then they would possess all of the waterfront access at the confluence of Turner Creek and Wilmington River totaling over 4,200 linear feet leaving the applicant with only 248 feet even though there is an estimated 1,200 feet of marsh frontage on the property. Based on this information along with the precedent that has been set by DNR in the past, we believe that the applicant has rights to this section of Turner Creek.

Regardless of who should actually possess the right to access this portion of the waterway, and in effort to move the project forward, the applicant has obtained a letter from the WPCA stating that they do not object to the project. The letter is attached to this response letter.

Item 2:

OCGA 12-5-288(b) states: "The amount of marshlands to be altered must be minimum in size. " Staff understands the water dependent portions of the project are meant to provide a service to the boating community, it is the opinion of the Department that the 2,378 sq.ft. of fixed deck, 1,978sq.ft. of which is over state-owned marshland, that is proposed does not show an effort to minimize impacts. The fixed decks are not water dependent structures and the waterway can be equally enjoyed from the upland. Please provide a new alternatives analysis that addresses the non-water dependent components of the proposed project.

Response:

12-5-288(h)

An alternatives analysis and needs assessment was submitted with the application, but we are pleased to provide additional detail with respect to the elevated fixed structures. Many different dock configurations were evaluated for the project, and the applicant chose the one with the most efficient use of dock space to accommodate different users and a variety of vessel size classes while minimizing impacts to Coastal Marshland, especially "new" impacts to the marsh. Justification for the size of the overall facility was documented in the application and is based on a detailed market analysis conducted by the applicant prior to application submittal. In effort to minimize new structures and new impacts over the waterway, the applicant is proposing to utilize the existing footprint of the existing lightship building and deck but remove all non-water dependent uses (e.g. restaurant and food service). It should be noted that it is preferable to use existing structures where feasible to minimize environmental impacts. This is a common avoidance and minimization measure promoted by state and federal regulatory agencies.

In general, fixed platforms at a marina are considered to be water dependent structures by the DNR. Such structures most often include pierhead platforms, but they may also include other structures such as bump-outs along the walkway, other piers, or fixed decks near the shoreline. Fixed deck structures such as these provide many water dependent functions required for the marina to properly function including access to floating docks, fishing, crabbing, general access to the waterway and enjoyment of the waterway, staging area for boat

loading/unloading, shelter from storms and the sun, gathering place for charter boat cliental, enjoyment/watching of marine wildlife, and educational opportunities. The fixed deck structures proposed in the application (the walkway, pierhead, and deck) support the water-dependent function of the marina facility and are required to not only access and enjoy the waterway, but also to service a variety of other integral boater needs including those outlined above. As such, we believe the proposed fixed deck structure is water dependent.

The first step in the alternatives analysis for this project was to identify the limiting factors of the site and define the requirements needed to make the project successful. The following items were considered by the applicant when not only designing the project as a whole, but also in deciding how and where to configure the fixed platform structures and how large they needed to be.

Site Constraints:

The upland portion of the site is narrow, offering limited room to provide the upland components to support the marina. The applicant has used all of the upland for non-water dependent uses such as a marina store, parking, access to the dock, and other appurtenant upland development features. With respect to the waterway, the property has approximately 248 feet of direct frontage on Turner Creek as noted by DNR in Comment 1. Turner Creek is approximately 636 feet wide, and there is a tidal creek inlet approximately 700 feet downstream of the site. The marina facility had to be designed to fit within the constraints imposed by the upland and the waterway. In other words, the docks could not encroach on the upstream property owner or hinder access to Sail Harbor Marina's floats, could not hinder navigation in Turner Creek, and could not block access to the downstream tidal creek.

Size Requirements:

Based on the market analysis outlined in detail in our application, the size of the dock facility is clearly justified. In fact, a larger facility would be supported by the market if the applicant had chosen to go that route, but they kept the marina to a more manageable size. The applicant has also proposed to phase the construction based on need to ensure impacts are minimized. The facility will accommodate an estimated 100 vessels including boats, kayaks, or jet boats at full build-out, so on any particular day between the spring and summer, there could be a hundred people on-site enjoying the waterway and the marina amenities. This could be well exceeded during special events such as fishing tournaments, educational endeavors, eco-tours, sight-seeing events, etc. With that in mind, and given the required functionality of a typical fixed deck/platform structure, the applicant set about designing the dock.

- Alternative 1:

The applicant was initially faced with two basic options regarding platform access to the waterway. The first was to provide water access/enjoyment from some pierhead configuration. The second was to utilize the existing pile-supported deck along the bank. Ideally, a single pierhead would be centrally located in the facility with floats extending upstream and downstream so there is a shorter distance for boaters parking near the ends of the floats. A large, single, centrally-located pierhead offers many advantages to the users of a marina, but that configuration is not possible for this project given the site constraints (e.g. all floats must extend downstream due to the close proximity of the eastern property line). An alternative to the large, single centrally located pierhead is to use a dual pierhead configuration. Therefore, a dual pierhead was evaluated with two variations.

The first option was to extend a walkway straight out in to the waterway as is proposed in the preferred site plan to a 20' x 20' covered pierhead. A second, independent, longer walkway (+/- 340') would extend north-northwest from the northwestern tip of the property to another 20' x 20' pierhead. Another gangway would be required from this second pierhead to a floating access platform attached to the landward side of the floating docks. This

configuration provides good circulation, avoids congestion on the dock, provides more immediate shelter during a storm for boaters, provides quicker ingress/egress in case of an emergency situation, and is safer for disabled and handicapped people. One pierhead would service the fuel dock, kayak dock, and finger slips. The other would service the larger slips on the downstream end of the facility. The existing lightship deck would be removed in this alternative. This alternative, however, impacted substantially more Coastal Marshlands than the preferred alternative. Even though the existing 2,017 square feet of deck structure would be removed, the new structures would total 4,320 square feet, and an estimated 3,600 square feet would be over vegetated marsh. In all the total impacts associated with Alternative 1 were 31,597 square feet.

- **Alternative 2:**
Alternative 2 was a variation of Alternative 1. It used a single walkway extending channelward to a covered pierhead. On the downstream end of the pierhead, another walkway would extend approximately 375 feet downstream to another pierhead. This alternative pushed the impacts out to the edge of the marsh near the mean low water mark, but the total acreage of new fixed deck increased to 4,670 square feet. All of this would be "new impact" outside the footprint of any of the existing structures. With the removal of the existing lightship building and deck, the total impacts associated with Alternative 2 were 31,947 square feet.
- **Alternative 3:**
Alternative 3 evaluated constructing a much larger covered single pierhead. Based on the number of slips (+/- 100), plus employees, guests, the disabled, etc. a substantial fixed platform is necessary and justified as a single 400 square foot pierhead will not provide a reasonable amount of safe, non-congested access and enjoyment of the waterway, so a much larger fixed pier would be necessary. There are several flaws with this alternative however. First, channelward extension or downstream extension of the pierhead from its currently proposed location would infringe on boater access to the proposed floats. Upstream extension would encroach on the riparian right of the upstream neighbors. A landward shift in the pierhead would impact more vegetated marsh. Additionally, all of the impacts associated with construction of a pierhead would be "new impact" within a new footprint; whereas, redevelopment, repair, or re-use of the existing deck footprint would minimize new impacts and use the existing facility to minimize impacts. As mentioned above, it is preferable to use existing structures where possible as opposed to impacting new area. This is a practice widely pushed by the U.S. Army Corps of Engineers and the DNR to minimize a project's overall environmental footprint.
- **Preferred Alternative:**
The preferred alternative will install a single uncovered pierhead to access the floating dock system. To minimize new impacts and new shading of Coastal Marshlands, the existing lightship deck footprint will be used to satisfy the remainder of the fixed deck requirement for the project. As mentioned above, a fixed deck is used for multiple water dependent purposes, and the proposed deck is no different. It will be used for the very same purpose as a pierhead. It will be a staging and instructional area for fishing charters, fishing tournaments, dolphin tours, and kayak and jet boat rentals where access and visibility of the entire waterfront is necessary. It will function as a place of learning where local schools can come to learn about the marsh ecosystem. There will be educational signage around the deck pertaining to aquatic and coastal animals such as manatees, wood storks, sea turtles, fish, and dolphins. It will provide general waterside enjoyment, viewing, and relaxation opportunities for boaters where they can readily see and monitor their boats moored anywhere on the dock. It will provide a place close to the floats for emergency shelter in case of a storm or other emergency event

and will be a staging area for emergency personnel who need to quickly access or medically treat users of the marina. A larger than normal platform is necessary to support all of these services given the size of the marina and anticipated number of boaters, guests, and employees. A large pierhead over the waterway may be able to provide these same services, but the impacts to the waterway would be new impacts and would not utilize the existing structures and existing deck footprint which has been in place for many decades. Additionally, a larger deck over the waterway would have potential to impact navigation or access to the upstream property and marina. The preferred alternative will remove the existing, above-deck, non-serviceable components such as the fully enclosed restaurant building and kitchen and use the existing serviceable substructure to support the deck. New deck boards will be installed and a simple covering will be erected. It should be noted that additional piles may also be required to comply with current building codes. This preferred alternative lessens the overall impact of the project, lessens the viewshed impact for upstream property owners, and lessens the area of new impact to the marsh. Total impacts are 29,294 square feet which are the least of all feasible alternatives evaluated.

Item 3:

There should not be any enclosed structures or covers on the floating components of the project.

Response:

The only overhead structure proposed on the floats are two small 10' x 10' covered areas or kiosks (please note that one of the kiosks has been moved to the other large float. The proposed covering on the kayak dock has been removed from the permit plan. The two small kiosks are necessary for safety and operations of the marina. Workers need to be stationed at these locations to assist with boat mooring, to dispense fuel, and to operate the pumpout stations to ensure nothing enters the waterway. A portable fuel dispenser may be located on the longer floating dock on the northwestern side of the facility, hence the reason for moving one of the proposed stations. These two small structures will provide a station for the marina workers who need to be protected from harmful UV rays. They will also function to store fire suppression, spill response, and first aid equipment which do not need to be exposed to the sun. We do not believe this small amount of simple covering proposed on the floats would result in any harm to the environment, and the applicant requests that these small covered areas be permitted by DNR for worker and boater safety reasons. Attached are revised exhibits.

Item 4:

There is a noticeable discrepancy in the dates of when the site was visited for the engineering report according to emails that were sent, the date of the request for the engineering report, and the date the report was stamped. Please explain.

Response:

As part of the initial concept design for the dock, the engineer conducted a Level 1 inspection in June 2018 which found that the substructure including pilings, stringers, bracing, etc. was in good condition and structurally serviceable, but the superstructure (restaurant) was not because it was made from non-marine-treated components. Though the field work was completed at that time and notes were taken, a formal report was not put together at that time as it was not requested by the owner. During conversations in September with DNR, the issue of the structural condition of the existing deck came up. Immediately following, the engineer conducted another structural inspection, and we provided an email briefly outlining the findings as we were unaware that a formal Level 1 Assessment Report was going to be required. Following subsequent conversations/requests from DNR, the engineer revisited all of his notes and findings from the formal inspection conducted in June and put together a formal report. The date on the report matches the dates when the inspection was completed and the preliminary findings were compiled.

Item 5:

If the Department does eventually concur with the claim that the substructure under the old Lightship Tavern is in fact serviceable, the suggested maintenance work should be performed, and all existing serviceable components be used for any proposed structures. During a site visit on October 19, 2018 the existing 867sq.ft. deck to the west of the old tavern was deemed unserviceable by Josh Noble, Marsh and Shore Management Program Manager.

Response:

The 867 sq. ft. of uncovered deck referred to in the latest submittal consists of the walkway around the west side of the lightship restaurant and is comprised of a treated wood substructure with composite decking on the walkway and wood decking adjacent to the building. This does not include the wooden structure further to the west where the old dockmaster's shack was. The 867 sq. ft. of uncovered deck/walkway is the newest of all structures on-site and is in very good, serviceable condition as concluded in the engineering report. Any of the remaining deck further to the west within jurisdiction will be removed. There are two building options that are both acceptable by the applicant, and both are products of local building code requirements. The first is to remove all structures from the waterway, including the substructure, supports, etc. and reinstall all new components. This includes driving larger piles spaced wider apart to comply with requirements of the local building code. The second is to utilize all existing serviceable substructure components but to install additional piles as needed to comply with the current building code. The code has changed over the years, and to comply with today's standards, based on the existing substructure components, additional piles would be needed. This is not to say that the existing structures are structurally deficient in any way. A new deck could certainly be constructed on top of the substructure as-is and would support the use, but it would not strictly comply with the building code. The applicant is agreeable to both options, so if DNR wishes that we use the existing serviceable components and modify accordingly to bring it up to today's building code, then the applicant agrees.

Item 6:


Staff also requests a copy of the water quality certification issued by the Department, if required for the proposed project.

Response:

The Corps of Engineers has confirmed that the project will be authorized by a Letter of Permission, and that no 404 action is proposed. As such, a 401 Water Quality Certification will not be required for this project.

We appreciate the opportunity to provide you with this response letter, and request that the project be placed on public notice at your earliest opportunity. Following your review of this information, please contact us at (912) 232-0451 should you have any questions or require any additional information.

Sincerely,



Brandon W. Wall
Project Biologist
Sligh Environmental Consultants, Inc.

Enclosures

cc: Mr. Jason Ball – Ball Maritime Group, LLC
Mr. Guy Davidson – Wilmington Partners, LLC

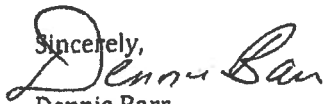
W I L M I N G T O N
Plantation
O N T H E I N T R A C O A S T A L

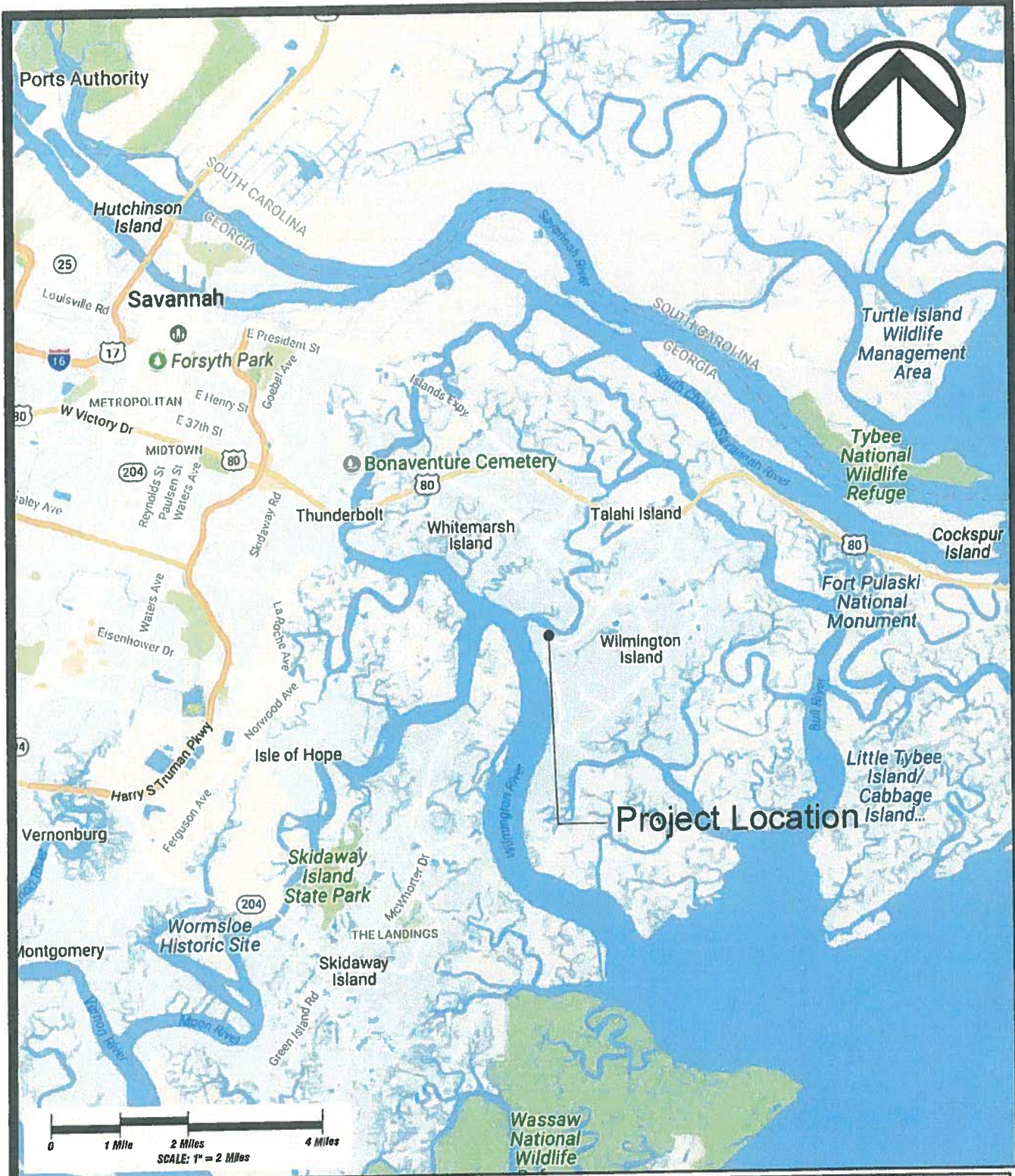
Mr. Paul Tobler
Georgia Department of Natural Resources
Coastal Resources Division
One Conservation Way, Suite 300
Brunswick, Georgia 31520-8687

**Subject: Coastal Marshlands Protection Act Permit Application
Letter of Permission
Lightship Marina
Chatham County, Georgia**


Dear Mr. Tobler:

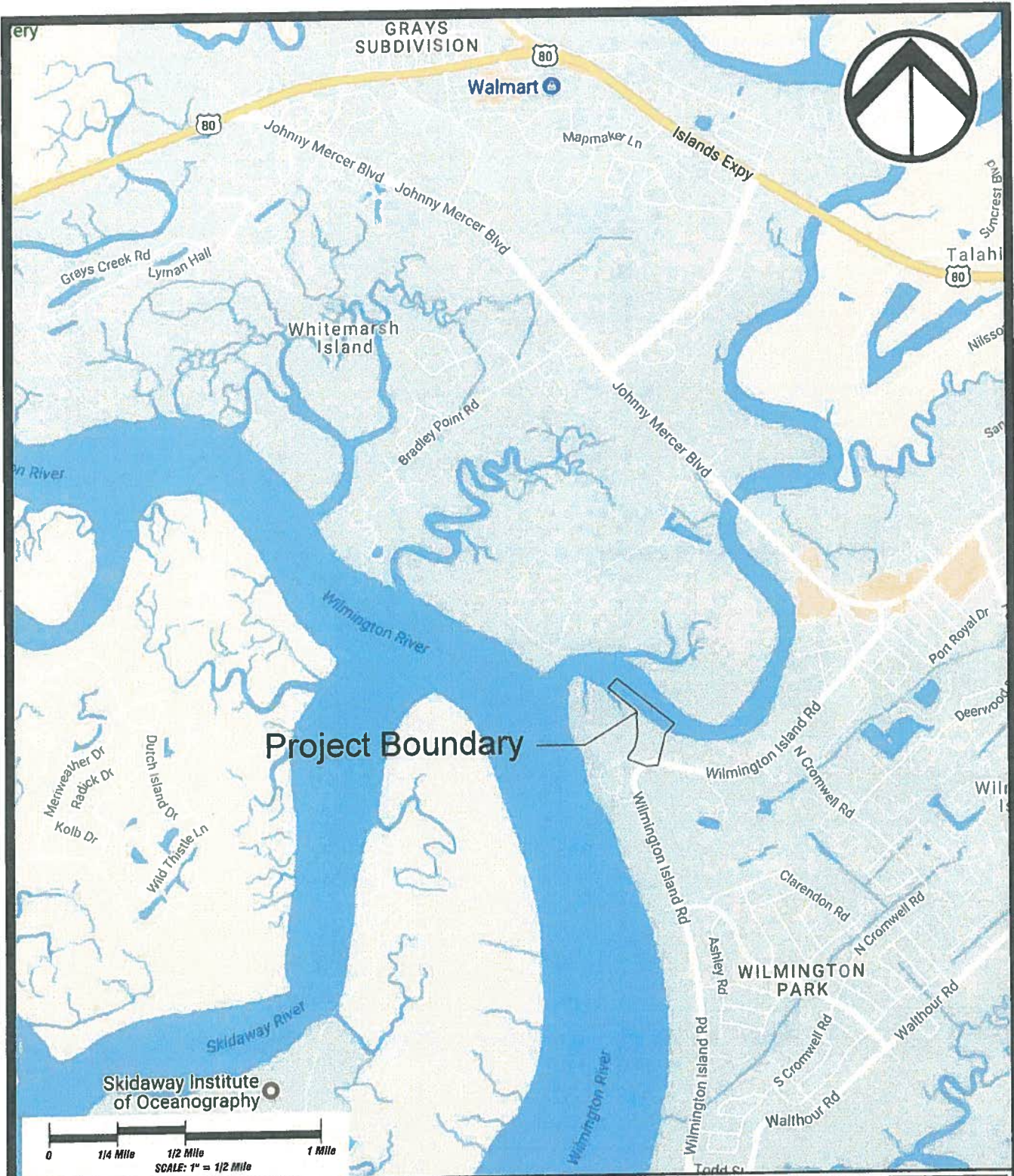
I, Dennis Barr, am the President of Wilmington Plantation Owner's Association, Inc. (the "Association"). This letter shall confirm that the Association hereby gives permission to Wilmington Partners, LLC to use the tidal water bottoms and marshland of Turner Creek north of the Association's property to construct and operate the Lightship Marina as described in the September 13, 2018 application for a Coastal Marshlands Protection Committee Permit, as amended and modified from time to time, any riparian rights to Turner's Creek being hereby waived by the Association. The Board of Directors of the Association is familiar with the permit application and the proposed activity which includes installation of a fixed dock structure and new floating docks on Turner Creek. The Board of Directors of the Association understands that carrying out the project-related activities encroaches upon the marshland and tidal water bottoms of Turner Creek, which is contiguous to the land the Association may have lawful authority to use. The Board of Directors of the Association understands that this permission does not create any contract rights and that the proposed activity is subject to change or the site may be deleted as a project location either by the Applicant, or as a result of the Committee's actions.

Sincerely,

Dennis Barr
President, Wilmington Plantation
Owner's Association, Inc.



VICINITY MAP **PROJECT LIGHTSHIP**
 WILMINGTON ISLAND, GA **PROPOSED ACTIVITY: DOCK IMPROVEMENTS**
 Applicant: WILMINGTON PARTNERS, LLC
 Date: 04/01/19
 County: CHATHAM
 Job#: 19-1007 **DATUM: NAVD88**
 SCALE: 1" = 2 MILES **SHEET: 1 of 8**

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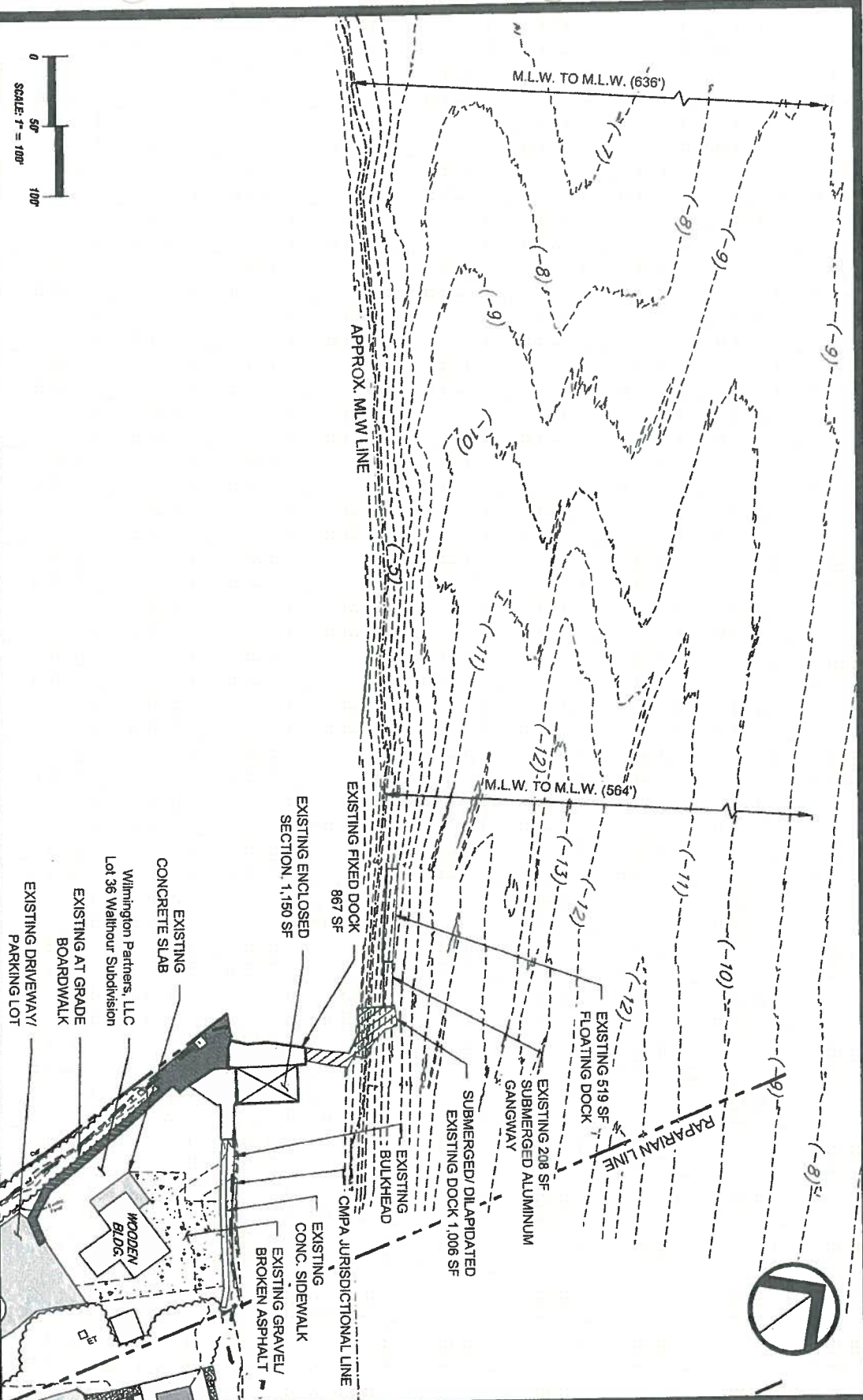
LOCATION MAP		PROJECT LIGHTSHIP
WILMINGTON ISLAND, GA		PROPOSED ACTIVITY: DOCK IMPROVEMENTS
Applicant: WILMINGTON PARTNERS, LLC		
Date: 04/01/19		
County: CHATHAM		
JOB#: 18-1007		DATUM: NAVD88
SCALE: 1" = 1/2 MILE		SHEET: 2 of 8

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EXISTING CONDITIONS

WILMINGTON ISLAND, GA

PROJECT LIGHTSHIP

PROPOSED ACTIVITY: DOCK IMPROVEMENTS

Applicant: WILMINGTON PARTNERS, LLC

Date: 04/01/19

County: CHATHAM

Job#: 18-1007

DATE: MAY/28

SCALE: 1" = 100'

SHEET: 3 of 8

GENERAL NOTES:

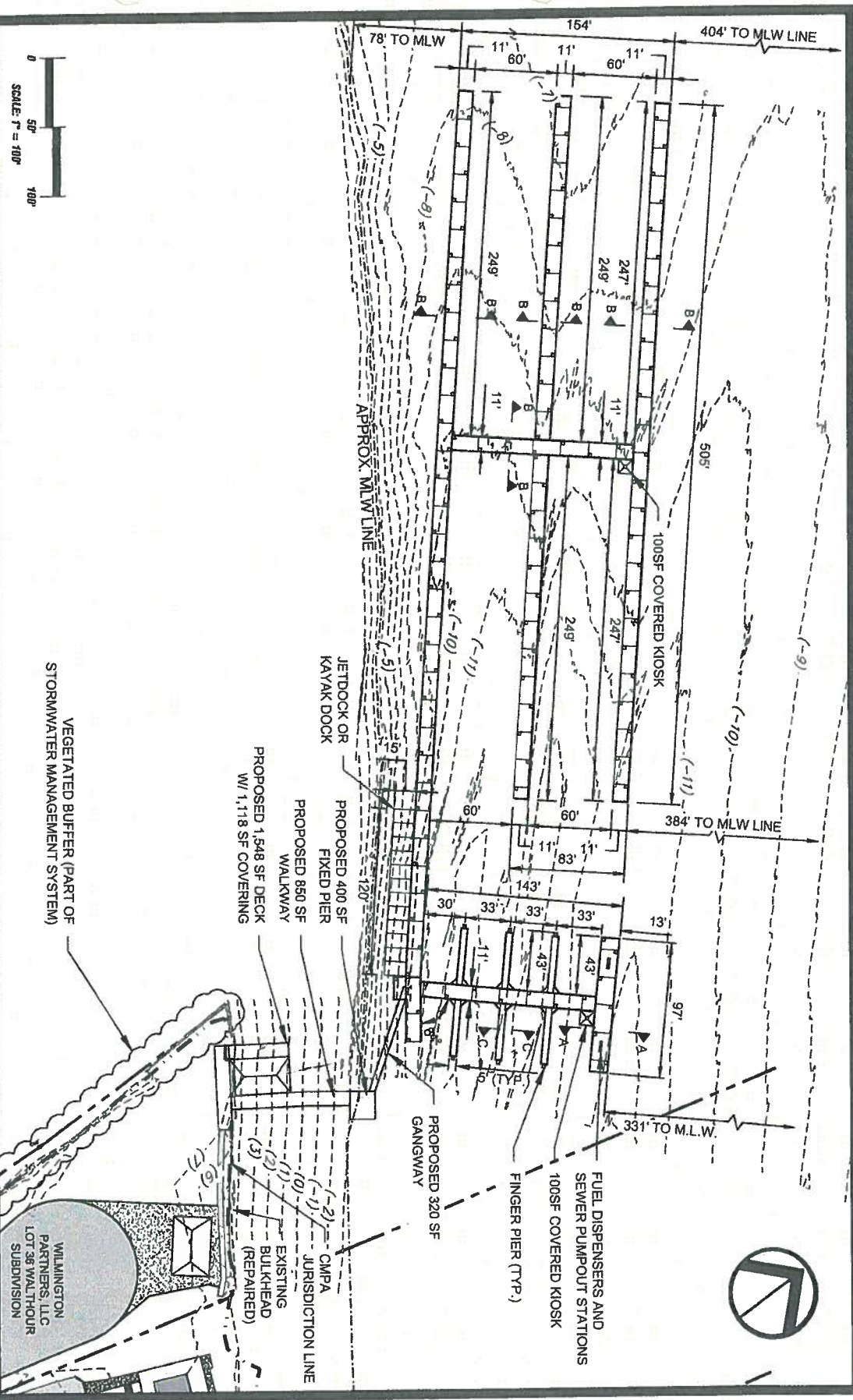
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PROPOSED IMPROVEMENTS **PROJECT LIGHTSHIP**

WILMINGTON ISLAND, GA **PROPOSED ACTIVITY: DOCK IMPROVEMENTS**

Applicant: WILMINGTON PARTNERS, LLC

Date: 04/07/19

County: CHARLHAM

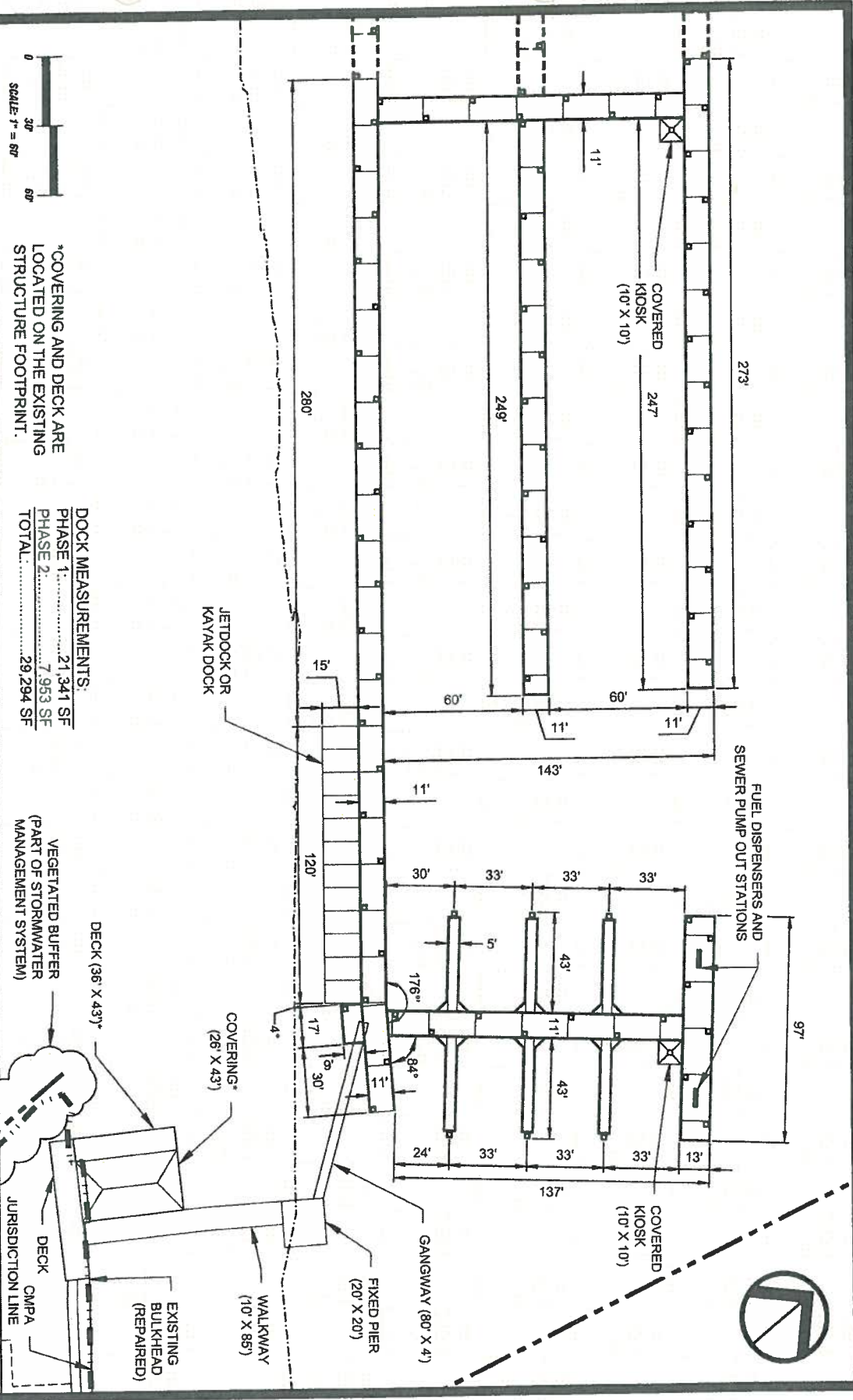
Job#: 18-1007 DATE: MAY08

SCALE: 1" = 100' SHEET: 4 of 8

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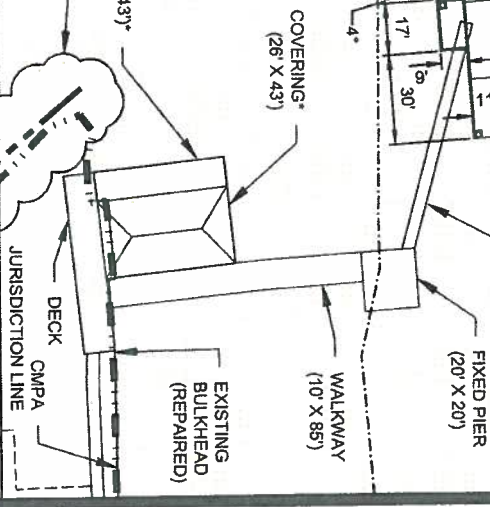


*COVERING AND DECK ARE LOCATED ON THE EXISTING STRUCTURE FOOTPRINT.

DOCK MEASUREMENTS:

PHASE 1:	21,341 SF
PHASE 2:	7,953 SF
TOTAL:	29,294 SF

DECK (36' X 43')
VEGETATED BUFFER (PART OF STORMWATER MANAGEMENT SYSTEM)



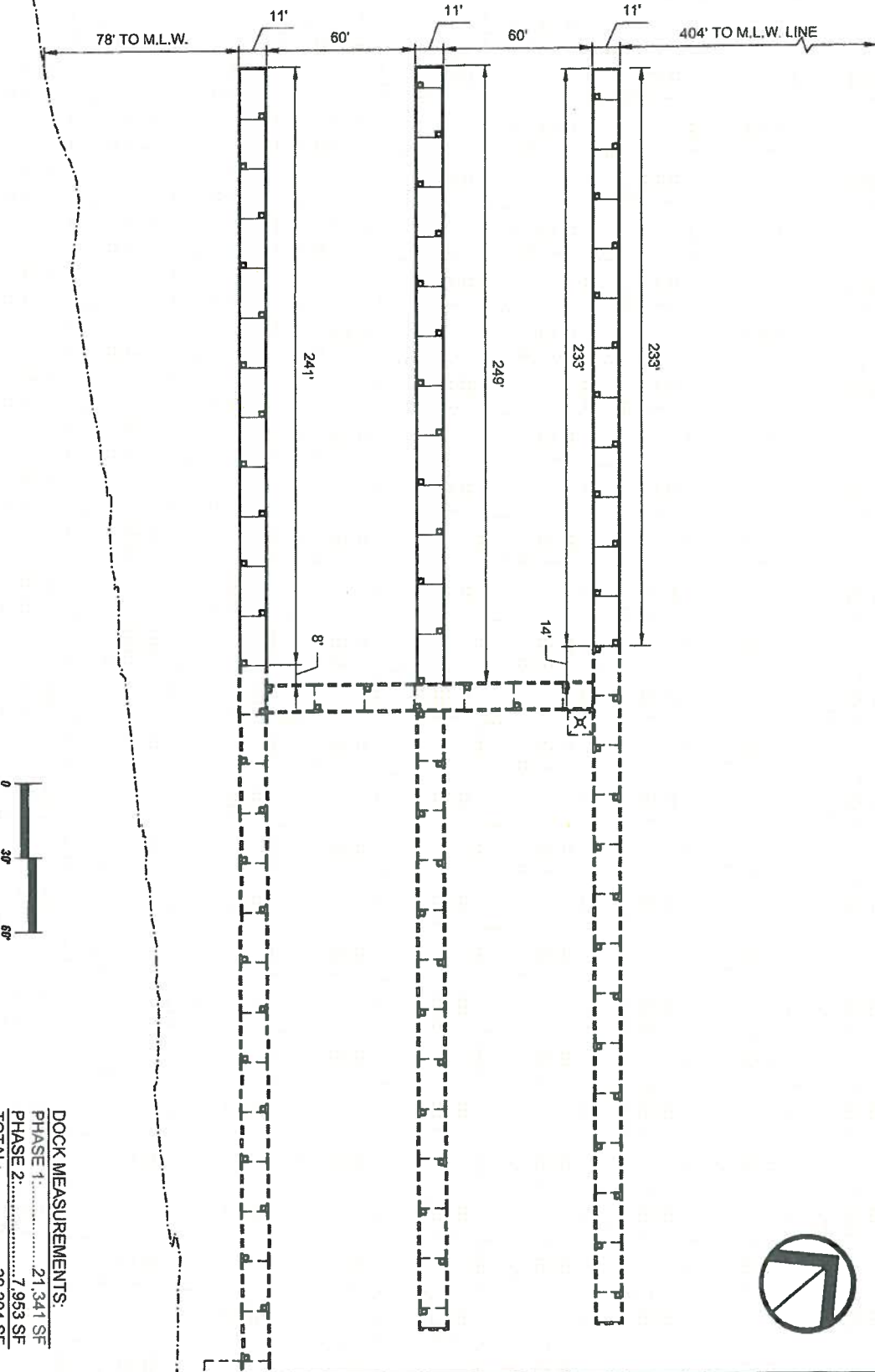
DOCKAGE PLAN - PHASE 1 PROJECT LIGHTSHIP
WILMINGTON ISLAND, GA PROPOSED ACTIVITY: DOCK IMPROVEMENTS

Applicant: WILMINGTON PARTNERS, LLC
Date: 04/01/19
County: CHATHAM
JOB#: 16-1007 DATE: NAU88
SCALE: 1" = 60' SHEET: 5 of 8

GENERAL NOTES:

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DOCK MEASUREMENTS:

PHASE 1:	21,341 SF
PHASE 2:	7,953 SF
TOTAL:	29,294 SF

DOCKAGE PLAN - PHASE 2 **PROJECT LIGHTSHIP**

WILMINGTON ISLAND, GA **PROPOSED ACTIVITY: DOCK IMPROVEMENTS**

Applicant: WILMINGTON PARTNERS, LLC

Date: 04/01/19

County: CHATHAM

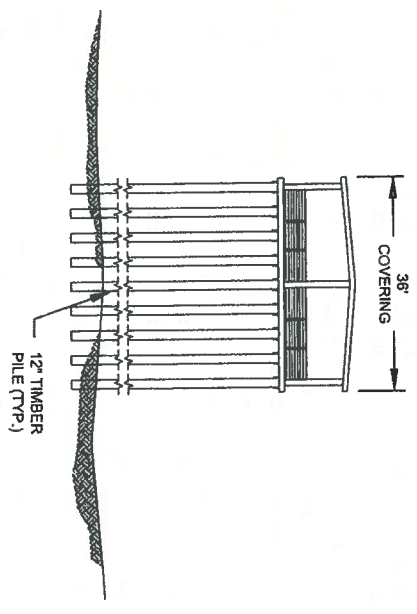
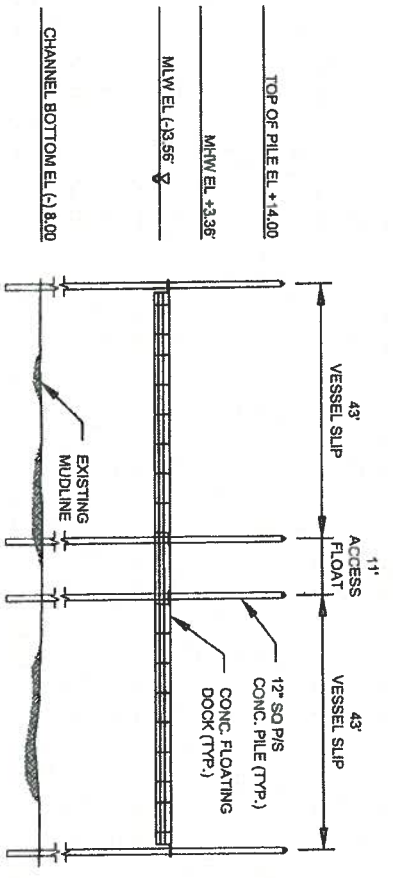
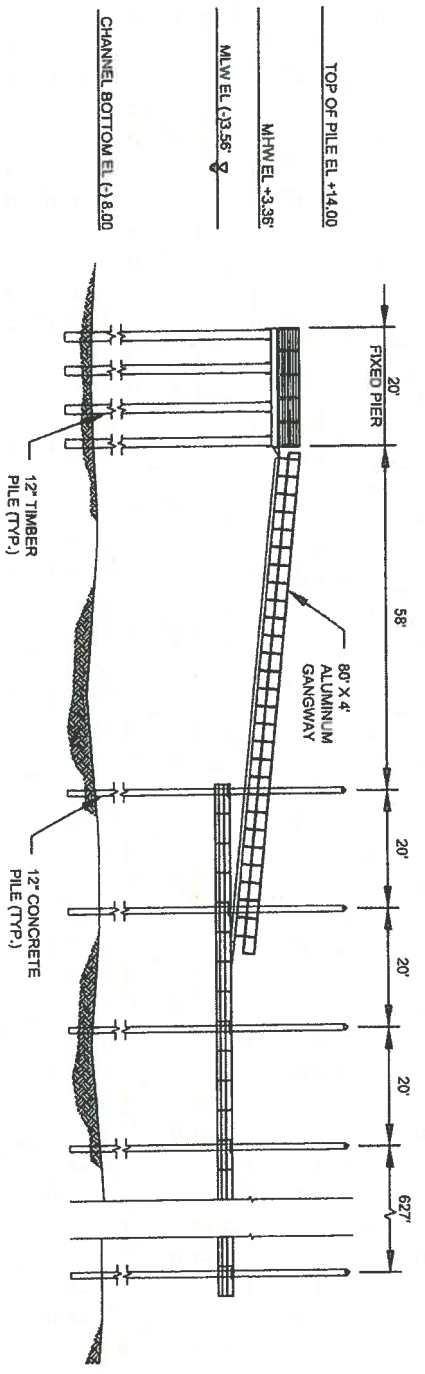
JOB#: 18-1007 DATUM: MAND88

SCALE: 1" = 60' SHEET: 6 of 8

GENERAL NOTES:

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ELEVATIONS
 WILMINGTON ISLAND, GA
 Applicant: WILMINGTON PARTNERS, LLC
 Date: 04/01/19
 County: CHATHAM
 JOB#: 18-1007
 SCALE: A.T.S.

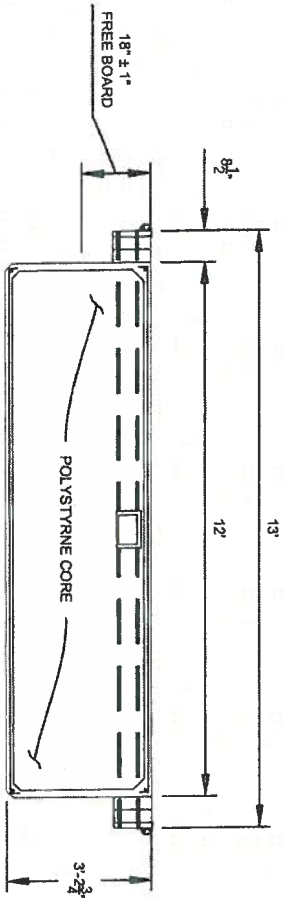
PROJECT LIGHTSHIP
 PROPOSED ACTIVITY: DOCK IMPROVEMENTS

- GENERAL NOTES:**
1. VERTICAL DATUM FOR ELEVATIONS SHOWN IS NAVD88.
 2. LENGTH OF FLOAT SECTIONS SHALL BE DETERMINED BY FLOAT MANUFACTURER.
 3. BOTTOM OF GANGWAY SHALL BE OUTFITTED WITH WHEELS THAT HAVE STAINLESS STEEL AXLES.
 4. ALUMINUM SHALL BE TYPE 6061.

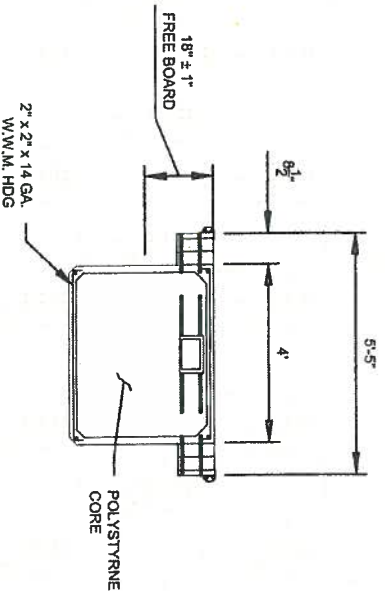


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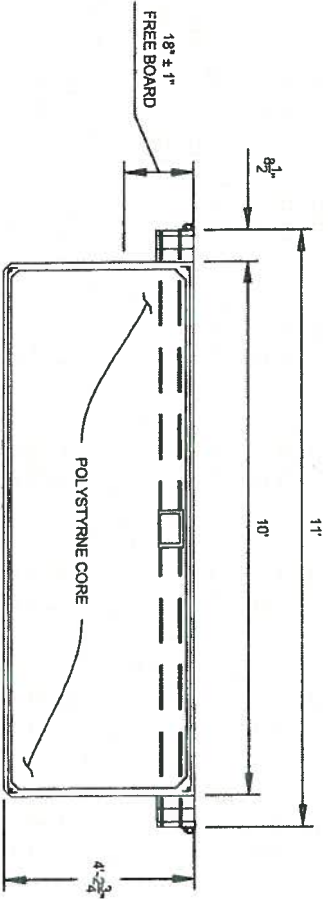
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SECTION A-A



SECTION C-C



SECTION B-B

SECTIONS

WILMINGTON ISLAND, GA

Applicant: WILMINGTON PARTNERS, LLC

Date: 04/07/19

County: CHATHAM

JOB#: 19-1007

SCALE: H.T.S.

PROPOSED ACTIVITY: DOCK IMPROVEMENTS

PROJECT LIGHTSHIP

DATUM: MVD088

SHEET: 8 of 8

GENERAL NOTES:



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COASTAL RESOURCES DIVISION
ONE CONSERVATION WAY • BRUNSWICK, GA. 31520 • 912.264.7218
COASTALGADNR.ORG

MARK WILLIAMS
COMMISSIONER

DOUG HAYMANS
DIRECTOR

FEB 04 2019

Brandon Wall
Sligh Environmental Consultants
31 Park of Commerce Way, Suite 200B
Savannah, GA 31405

Re: Application for a Coastal Marshlands Protection Act Permit for Wilmington Partners, LLC., Construction of a Marina, Turner Creek, Chatham County, Georgia.

Dear Mr. Wall:

The Department has reviewed the most recently provided supporting documents for the proposed Lightship Marina project. As proposed, the project provides for the construction of a new full-service marina facility that will impact approximately 29,294 square feet (0.672 acres) of coastal marshlands.

Staff has identified additional information that is needed before the application can be placed on public notice as an application must be “substantially complete” before it can be presented to the Coastal Marshlands Protection Committee (CMPC). Please address the following questions and comments pertaining to the proposed marina project:

1. The applicant owns 248ft. of waterfront and proposes to impact approximately 720ft. of shoreline along Turner Creek. O.C.G.A. 12-5-282(6) states: *“Eligible person” means any person who is the owner of high land adjoining the state-owned marshland or water bottoms, or combination thereof, sought to be leased by said person such that at least 100 percent of the landward boundary of the state-owned marshland or water bottom, or combination thereof, sought to be leased is bordered by said adjoining high land.*” Based upon research of historical ownership interests of the properties adjacent to the state-owned marshland west of Lot 36, the Department has determined the Wilmington Plantation Condo Association owns upland on Lot 37 that claims rights on the area of Turner Creek which the applicant proposes to impact. Another important note is the result of the court case DBL, Inc. v. Carson in which it was found that DBL, Inc. was not an eligible person as stated in 12-5-287(b) to acquire a water bottoms lease for the area of Turner Creek that the applicant proposes to impact. Please address these issues with an assigned right of access from the owners of the upland on Lot 37 and keeping in mind that the Committee has final say on whether or not the applicant is an “eligible person”.
2. OCGA 12-5-288(b) states: *“The amount of marshlands to be altered must be minimum in size.”* Staff understands the water dependent portions of the project are meant to provide a service to the boating community, it is the opinion of the

Department that the 2,378sq.ft. of fixed deck, 1,978sq.ft. of which is over state-owned marshland, that is proposed does not show an effort to minimize impacts. The fixed decks are not water dependent structures and the waterway can be equally enjoyed from the upland. Please provide a new alternatives analysis that addresses the non-water dependent components of the proposed project.

3. There should not be any enclosed structures or covers on the floating components of the project.
4. There is a noticeable discrepancy in the dates of when the site was visited for the engineering report according to emails that were sent, the date of the request for the engineering report, and the date the report was stamped. Please explain.
5. If the Department does eventually concur with the claim that the substructure under the old Lightship Tavern is in fact serviceable, the suggested maintenance work should be performed, and all existing serviceable components be used for any proposed structures. During a site visit on October 19, 2018 the existing 867sq.ft. deck to the west of the old tavern was deemed unserviceable by Josh Noble, Marsh and Shore Management Program Manager.
6. Staff also requests a copy of the water quality certification issued by the Department, if required for the proposed project.

Our permitting and legal staff will be reviewing your application simultaneously. Our legal staff may contact you to clarify ownership interests or to request additional information. Once these materials have been received, and the application is substantially complete, we will begin the public notice process. During the public comment period, the committee will be reviewing the project. I will notify you of any additional information requested by them as provided in the Official Code of Georgia Annotated (O.C.G.A.) 12-5-286. Public comments and questions about your project will be forwarded to you for a written response. Staff will assist you throughout the process.

Sincerely,



Paul Tobler
Coastal Permit Coordinator
Marsh and Shore Management Program

CC: CMP20180029

Tobler, Paul

From: Brady, Kevin
Sent: Thursday, January 3, 2019 4:28 PM
To: Tobler, Paul
Cc: Noble, Josh; Wall, Brandon
Subject: Application for Lightship Marina

Paul:

Applicant owns 248 ft. of waterfront within its' boundaries on Turner's Creek but proposes to go outside its upland boundary to eventually build out about 720 ft. of Turner's Creek. The Applicant, at its own peril, is seemingly relying on the Committee's discretion to provide it with water bottoms outside the boundary of it's adjoining highland.

I will sign off on the real property portion of the project within the 248 ft. with the recognition that a large part of the project lays somewhere within the bosom of the discretion of the Committee.

As stated above, the Applicant proceeds at its own peril with respect to water bottoms outside it's boundary and the Committee's discretion to favorably apportion them the balance of the water bottoms. In as much as I think it is within the sound discretion of the Committee I am unable to form an opinion about the merits or lawfulness of the Applicant's claim outside the 248 ft. mentioned above.

Respectfully,

Kevin F. Brady
Compliance & Enforcement Analyst
Coastal Resources Division
(912) 264-7218 | M: (912) 554-3439
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GEORGIA DEPARTMENT OF NATURAL RESOURCES

Tobler, Paul

From: Jason Ball <jason@ballmaritime.com>
Sent: Monday, October 1, 2018 1:38 PM
To: Brandon Wall
Subject: RE: Lightship Marina Permit Application

Brandon,

We went out to the site today to do a Level 1 Inspection of the existing structure. The sub structure which includes the timber pilings and marine treated stringers is serviceable. The hardware connections look fine, the pilings are in great shape, and only minor damaged was observed. The superstructure which includes the decking, railing, former restaurant enclosure, roofing, etc. exhibits both advanced and severe damage from weather, exposure, etc. The superstructure is not constructed of weather proof materials. At a minimum, the structure could be demolished from the stringers upward with installation of new decking and covered area to bring the facility back into service. We hope this adds clarity to the condition assessment of the existing facility. We can provide sketches and various photos if requested.

Regards,

Jason

Jason P. Ball, PE, D.PE, D.NE | President
Mobile +1 912.662.2914 | jason@ballmaritime.com

Ball Maritime Group
4 Cedar View Court, Savannah, GA 31410 | ballmaritime.com

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From: Brandon <b_wall@slighec.com>
Sent: Thursday, September 13, 2018 5:35 PM
To: Noble, Josh <Josh.Noble@dnr.ga.gov>
Cc: Jason Ball <jason@ballmaritime.com>; Guy Davidson <gpd@daicommercial.com>
Subject: Re: Lightship Marina Permit Application

Will do, josh. Thanks for the quick reply!

Sent from my iPhone

On Sep 13, 2018, at 4:43 PM, Noble, Josh <Josh.Noble@dnr.ga.gov> wrote:

Brandon,

I have received the application materials and will begin review. Could you send digital versions of the drawings, this is helpful for review but also in their inclusion in the PowerPoint presentation to the CMPC.

Sincerely,

Josh Noble
Marsh and Shore Management Program Manager
Coastal Resources Division
(912) 262-3193 | M: (912) 266-0712
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From: Brandon Wall [mailto:B_Wall@slighec.com]
Sent: Thursday, September 13, 2018 2:32 PM
To: Noble, Josh <Josh.Noble@dnr.ga.gov>
Cc: 'Jason Ball' <jason@ballmaritime.com>; 'Guy Davidson' <gpd@daicommercial.com>
Subject: Lightship Marina Permit Application

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Josh,

As we discussed, please find attached the CMPA permit application for the Lightship Marina project In Chatham County. A hard copy of this will follow in the mail with the application fee, and I will email you the zoning sign off as soon as I get it from Chatham County. Once you've had a chance to review, please feel free to give me a call if you need any additional information or if you have any questions.

Thanks,

Brandon W. Wall
Project Biologist
sligh **environmental consultants, inc.**
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405
t. 912.232-0451 / f. 912.232.0453
<http://www.slighec.com>

Tobler, Paul

From: Brandon Wall <B_Wall@slighec.com>
Sent: Friday, December 14, 2018 3:53 PM
To: Tobler, Paul
Subject: Lightship Marina
Attachments: 5.6 DNR Line Survey.pdf; Revised Information.pdf

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Paul,

As per the revised JD Line (survey attached that was provided to Deb), please find attached the update project narrative and project drawings. The fixed deck has been reduced in size thus reducing the overall impacts. All of the floats, pierhead, and walkway have remained the same. Also attached is a Level 1 structural assessment of the existing structures. I know you guys had questions about the condition of the existing structures, and this report from a marine engineer (PE) addresses that and verifies that the existing fixed deck section adjacent to the lightship building is serviceable/useable.

Once you've had a chance to review, please give me a call and we can discuss. Let me know if you have any questions or need anything else in the meantime.

Thanks and if I don't talk to you, I hope you and your family have a very merry Christmas.

Brandon W. Wall
Project Biologist
sligh **environmental consultants, inc.**
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405
t. 912.232-0451 / f. 912.232.0453
<http://www.slighec.com>

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Ball Maritime Group, LLC

MEMORANDUM

To: Guy Davidson – Wilmington Partners, LLC
From: Jason Ball, PE, D.PE, D.NE – Ball Maritime Group
Date: June 22, 2018
Project: PN 18-1041 – Level 1 Assessment
Former Lightship Restaurant Property (PIN: 1-0109 -01-005)
618 Wilmington Island Road, Chatham County, Georgia



The following memorandum summarizes Ball Maritime Group's (BMG) understanding of the condition of the waterfront structures at the former Lightship Restaurant since it has been out of service and suffered the effects from two recent major hurricane events. This memorandum also provides a summary of recommendations for restoration of the facilities into working order as soon as practical without the reconstitution of the restaurant operation. Alternatives to modify the design, replace the structure, or change the operation would be included as a supplemental study with recommendations.

INITIAL SITE VISIT

BMG completed a visual reconnaissance of the property above on May 14, 2018. This did not constitute a Level 1 inspection, but it did give an indication of the condition of the facility with an understanding of the former operation as a restaurant. A 70' long floating dock was located at the waterfront during the site visit. BMG conducted an in-water reconnaissance to see the waterfront structures from the waterside. Based on experience with similar structures and limited access above water only, BMG noted that the super structure of the former restaurant was unsafe and unserviceable. This includes the components above the stringers, pile caps, and timber piles. BMG was concerned with some observed damage, the old concrete structure, and the apparent original design of the facility. BMG suggested a follow-up Level 1 Inspection to confirm or deny the assumed conditions and life span of the structure.

CONDITION ASSESSMENT

BMG completed a Level 1 Inspection of the former Lightship Restaurant property on June 4, 2018. The team used a small boat to conduct in-water operations along the structure, starting from the east and moving west. The above water inspection was conducted both from the boat and along the top of the deck. For analysis purposes, the facility is separated into three sections:

- 1) Section A – 1,845-sf of uncovered fixed dock over the marsh
- 2) Section B – 1,150-sf of enclosed restaurant space over the marsh
- 3) Section C – 700-sf of metal gangway and floating dock

Section A consists of bent sections with the following components:

- A) Timber Decking
- B) Timber Pile Caps
- C) Timber Bracing (Diagonals and Horizontals)
- D) Galvanized gusset plates, bolted connections, and fasteners
- E) 10" Ø Timber Support Piles

ADDRESS

4 Cedar View Court, Savannah, GA 31416

PHONE

(912) 862-2914

WEB

ballmaritime.com



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Section B consists of bent sections with the following components:

- A) Timber Decking
- B) Timber Pile Caps
- C) Timber Bracing (Diagonals and Horizontals)
- D) Galvanized gusset plates, bolted connections, and fasteners
- E) 10" Ø Timber Support Piles

Section C consists of bent section with the following components:

- A) Aluminum Gangway
- B) Floating Dock w/ Guide Piles

The inspection performed includes field notes and photos which were used to assess the condition of the facility. These are included with this memorandum for reference. The color-coded bents reflect the worse assessed condition, either above or below water governing. For example, a bent that has a single pile with soft exterior underwater and is in good condition above water would only yield a moderate condition for the entire bent if the remaining piles and superstructure are moderate. To rate an entire bent as poor, it would have to have multiple deficiencies either above and/or below the water. The assessment assumed the superstructure for the former restaurant would be brought back into working order for proper use in protecting the structural component of the deck only due to regulation restricting the future use as a restaurant over the marsh.

Based on the inspections performed and the experience with similar timber construction, BMG provides the following:

- 1) Section A – This section of the structure appears to be the newest with only 867-sf of this section still intact. Based on the way the timber fixed dock is constructed, the design of the structure appears to be suitable for standard commercial use. The ten piles inspected have minor issues anticipated with general wear and are in good condition. The pile caps are in good condition, but the hardware should be replaced due to corrosion. It is recommended that bracing be added to reinforce the substructure for future use and the pile system can support this addition. The decking would need to be replaced after the repairs are completed based on a typical life cycle of wear. Overall, the remaining portion of Section A is in a good condition with about fifteen years of life remaining. If the suggested repairs are made, the life of the structure could be extended another ten years to fifteen years total under current commercial operations.
- 2) Section B – This section of the facility was in service as a fully functional restaurant up until the early 2000's. Based on the way the restaurant was constructed, the design of the structure appears to be suitable. The fifteen piles inspected have minor issues anticipated with general wear and are in good condition. The pile caps are in good condition, but the hardware should be replaced due to corrosion. It is recommended that bracing be added to reinforce the substructure for future use and the pile system can support this addition. The decking would need to be replaced after the repairs are completed based on a typical life cycle of wear. The previously enclosed restaurant section above the stringers is not serviceable as a restaurant. Significant damage from previous storms and neglect have resulted in an unsafe dilapidated structure that is recommended to be removed. Overall, Section B is a moderate condition due to the dilapidated superstructure. The substructure has at least fifteen years of life remaining if the superstructure is removed and re-decked with marine grade surface in combination with a new covering. The life of the structure could be extended an additional fifteen years total under current operations which use the structure as a covered fixed dock without the restaurant component.
- 3) Section C – This section of the facility is mostly destroyed and is partially submerged next to the failed part of Section A. The submerged portions need to be removed. The floating dock is unserviceable and needs to be removed.

A cost estimate has been prepared reflecting the required elements to be demolished, repaired, and/or replaced to restore the structure to its designed condition without the restaurant portion. The cost estimate has been prepared using unit prices from RS Means 2018 Heavy Construction Costs. The \$250,000 estimate reflects all costs associated with the

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Page 3

Form Lightship Restaurant Property Assessment
BMG/WP

mobilization, demolition, repairs, and replacement of the existing structure. Included are taxes, overhead, profit, engineering, and contingency. It is anticipated that the engineering and permitting could take up to 120-days, assuming a USACE Nationwide Permit No. 3 – Maintenance is approved. Construction of the repairs and replacement would take approximately 90-days once a permit is issued and a Contractor has been selected.

ADDRESS

4 Cedar View Court, Savannah, GA 31410

PHONE

(912) 662-2914

WEB

ballmarkinc.com

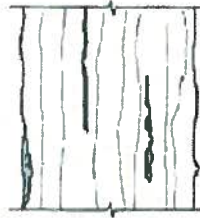
- i. Split - Longitudinal cracking that completely penetrates a member. Additionally, holes left in the timber due to missing hardware provide openings for marine borers to access the untreated interior of the timber.

**TABLE 3-6
DAMAGE GRADES FOR TIMBER COMPONENTS**

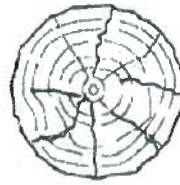
Damage Grade	Existing Damage ⁽¹⁾	Defects Indicating Higher Damage Grade(s)
Not Inspected	<ul style="list-style-type: none"> • Not inspected, inaccessible or passed by 	
No Defects	<ul style="list-style-type: none"> • Sound surface material 	
Minor	<ul style="list-style-type: none"> • Checks, splits and gouges less than 0.5 in. wide 	Minor damage not appropriate if: <ul style="list-style-type: none"> • Loss of cross section • Marine borer infestation • Displacements, loss of bearing or connections
Moderate	<ul style="list-style-type: none"> • Checks and splits wider than 0.5 in. • Remaining diameter loss up to 15 percent • Cross section area loss up to 25 percent. Corroded hardware. • Evidence of infestation by marine borers 	Moderate damage not appropriate if: <ul style="list-style-type: none"> • Displacements, loss of bearing or connections
Advanced	<ul style="list-style-type: none"> • Checks and splits through full depth of cross section • Remaining diameter loss 15 to 30 percent • Cross section area loss 25 to 50 percent. Heavily corroded hardware. • Displacement and misalignments at connections 	Advanced damage not appropriate if: <ul style="list-style-type: none"> • Partial or complete breakage
Severe	<ul style="list-style-type: none"> • Remaining diameter reduced by more than 30 percent • Cross section area loss more than 50 percent • Loss of connections and/ or fully non-bearing condition • Partial or complete breakage 	

(1) Any defect listed below is sufficient to identify relevant damage grade.

MINOR



MINOR CHECKS, SPLITS
AND GOUGES LESS
THAN 0.5 IN. WIDE



MINOR CHECKS, SPLITS
AND GOUGES LESS
THAN 0.5 IN. WIDE

MODERATE



CHECKS AND SPLITS
WIDER THAN 0.5 IN.



CROSS SECTION LOSS
UP TO 25 PERCENT.
EVIDENCE OF INFESTATION
BY MARINE BORERS

ADVANCED



LOSS OF UP TO 30 PERCENT
OF DIAMETER DUE TO ROT OR
MARINE BORER ACTIVITY

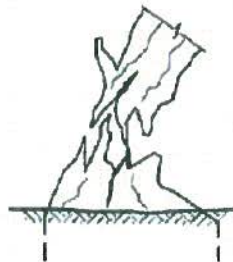


CHECKS AND SPLITS
THROUGH
CROSS SECTION



CROSS SECTION LOSS
25 TO 50 PERCENT

SEVERE



COMPLETE BREAKAGE



FULLY NON-BEARING
CONDITION



CROSS SECTION LOSS
EXCEEDING 50 PERCENT

NEW YORK CITY
ECONOMIC DEVELOPMENT CORPORATION
INSPECTION GUIDELINES MANUAL
DAMAGE GRADES FOR
TIMBER COMPONENTS

FIGURE 3-4

(C) TIMBER MEMBERS

The damage grades for timber components are described in Table 3-6 with samples presented on Figure 3-4. The following is a list of the most common structural deficiencies affecting timber elements:

- a. Marine Borer Attack
 - Limnoria - Commonly referred to as wood gribbles, these crustaceans are tiny wood eaters that attack the timber from the outside, continually reducing the diameter of a timber pile. Severe attack will result in an hourglass shape to the pile.
 - Teredo - Commonly referred to as shipworms, these mollusks burrow minute holes into the timber and attack from within. Severe attack will result in a hollowing of the pile, leaving just the outer shell, and may go undetected. Teredo leave a white calcified trail that may be exposed by exterior timber deterioration.
- b. Fungal Rot - A breakdown of the cellular structure of the timber by fungi, evident by discoloration and softening of the wood. Advanced fungal attack will cause destruction of the wood cells and will cause the timber to easily break apart when struck with a hammer. Fungi require air to survive, thus fungal rot only occurs above water.
- c. Checking - Vertical cracking of the timber surface due to drying and shrinking. Minor checking is generally acceptable in standard timber design. However, excessive checking may be problematic. Checking may create an opening for marine borers to access the untreated interior of a pile.
- d. Overloading - Overstressing of the timber element by continuous or impact loads in excess of their ultimate capacity. Typically evident by severe vertical cracks in the timber that cross the grain, breakage of the timber, or bulging of the timber with splitting of the wood fibers.
- e. Peeling - Delamination of the outer surface of the timber with minor separation of the outer wood fibers. Depending on the severity, peeling may allow marine borers access to the interior of the timber.
- f. Abrasion - Reduction of the timber surface due to continual rubbing by debris, ice, or suspended particulates in the water. When combined with Limnoria attack, abrasion may rapidly reduce the cross-sectional area of piles.
- g. Connecting Hardware Corrosion - Pins and bolts connecting timber members are subject to corrosion and may provide the weak link in a structure if they fail.
- h. Broken - Member mechanically damaged so that it is no longer able to effectively transmit load.

Tobler, Paul

From: Brandon Wall <B_Wall@slighec.com>
Sent: Tuesday, October 2, 2018 2:34 PM
To: Barreiro, Deb; Tobler, Paul
Cc: Noble, Josh; 'Stuart Sligh'
Subject: RE: JD discrepancy
Attachments: RE: Lightship Marina Permit Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Deb,

I was with Josh on a different project last week, and he mentioned ya'll may be doing a site visit tomorrow to Lightship. Let me know what time, and I'll be pleased to meet you out there.

Paul and Josh,

I spoke with Jason Ball about the serviceability and structural condition of the existing deck structure. They completed a structural analysis. Please see his attached email. All of the substructure in jurisdiction (piles, stringers, fasteners, etc.) is in really good shape and could still be used. However, the building was intended to be enclosed and was made of untreated wood so when the roof /windows got damaged/flooded by the last two hurricanes, some of the flooring started to rot. The deck boards on the uncovered part of the deck (left of the building) are still sound enough to walk on. Its possible to just remove the above deck building and re-deck the structure for this project. (However, It may wind up being more affordable to just replace the entire structure instead of re-using some of it.) Its therefore our opinion that it is still in a serviceable condition.

Hope this helps, and just let me know your thoughts.

Thanks,

Brandon W. Wall
Project Biologist
sligh **environmental consultants, inc.**
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405
t. 912.232-0451 / f. 912.232.0453
<http://www.slighec.com>

From: Barreiro, Deb <Deb.Barreiro@dnr.ga.gov>
Sent: Monday, September 24, 2018 11:29 AM
To: Brandon Wall <B_Wall@slighec.com>; Tobler, Paul <paul.tobler@dnr.ga.gov>
Cc: Noble, Josh <Josh.Noble@dnr.ga.gov>; 'Stuart Sligh' <s_sligh@slighec.com>
Subject: RE: JD discrepancy

are your points flagged in the field or just on the attached exhibit?
I will be happy to schedule a site visit to look at them prior to have dale go out.

Tobler, Paul

From: Jason Ball <jason@ballmaritime.com>
Sent: Monday, October 1, 2018 1:38 PM
To: Brandon Wall
Subject: RE: Lightship Marina Permit Application

Brandon,

We went out to the site today to do a Level 1 Inspection of the existing structure. The sub structure which includes the timber pilings and marine treated stringers is serviceable. The hardware connections look fine, the pilings are in great shape, and only minor damaged was observed. The superstructure which includes the decking, railing, former restaurant enclosure, roofing, etc. exhibits both advanced and severe damage from weather, exposure, etc. The superstructure is not constructed of weather proof materials. At a minimum, the structure could be demolished from the stringers upward with installation of new decking and covered area to bring the facility back into service. We hope this adds clarity to the condition assessment of the existing facility. We can provide sketches and various photos if requested.

Regards,

Jason

Jason P. Ball, PE, D.PE, D.NE | President
Mobile +1 912.662.2914 | jason@ballmaritime.com

Ball Maritime Group
4 Cedar View Court, Savannah, GA 31410 | ballmaritime.com

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From: Brandon <b_wall@slighec.com>
Sent: Thursday, September 13, 2018 5:35 PM
To: Noble, Josh <Josh.Noble@dnr.ga.gov>
Cc: Jason Ball <jason@ballmaritime.com>; Guy Davidson <gpd@daicommercial.com>
Subject: Re: Lightship Marina Permit Application

Will do, josh. Thanks for the quick reply!

Sent from my iPhone

On Sep 13, 2018, at 4:43 PM, Noble, Josh <Josh.Noble@dnr.ga.gov> wrote:

Brandon,

I have received the application materials and will begin review. Could you send digital versions of the drawings, this is helpful for review but also in their inclusion in the PowerPoint presentation to the CMPC.

Sincerely,

Josh Noble
Marsh and Shore Management Program Manager
Coastal Resources Division
(912) 262-3193 | M: (912) 266-0712
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From: Brandon Wall [mailto:B_Wall@slighec.com]
Sent: Thursday, September 13, 2018 2:32 PM
To: Noble, Josh <Josh.Noble@dnr.ga.gov>
Cc: 'Jason Ball' <jason@ballmaritime.com>; 'Guy Davidson' <gpd@daicommercial.com>
Subject: Lightship Marina Permit Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Josh,

As we discussed, please find attached the CMPA permit application for the Lightship Marina project In Chatham County. A hard copy of this will follow in the mail with the application fee, and I will email you the zoning sign off as soon as I get it from Chatham County. Once you've had a chance to review, please feel free to give me a call if you need any additional information or if you have any questions.

Thanks,

Brandon W. Wall
Project Biologist
sligh **environmental consultants, inc.**
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405
t. 912.232-0451 / f. 912.232.0453
<http://www.slighec.com>

From: Brandon Wall <B_Wall@slighec.com>
Sent: Monday, September 24, 2018 11:23 AM
To: Tobler, Paul <paul.tobler@dnr.ga.gov>
Cc: Barreiro, Deb <Deb.Barreiro@dnr.ga.gov>; Noble, Josh <Josh.Noble@dnr.ga.gov>; 'Stuart Sligh' <s_sligh@slighec.com>
Subject: FW: JD discrepancy

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Paul,

Stuart and I went out Friday and set the marshline under the deck. Was a pretty well-defined line. Much of the area under the deck is dry with a good elevation rise from the marsh, and the line under the Lightship building is defined as the face of the solid concrete foundation of the building. We actually pulled up boards to make sure everything was correct and GPS'ed the flags while we were there. Attached is an approximate sketch.

We will get Dale Yawn to survey the flags and overlay them on the existing plat. The permit drawings will also have to be modified accordingly. If we need to do a site visit to review the line, just let me know.

Thanks,

Brandon W. Wall
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sligh **environmental consultants, inc.**
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Savannah, Georgia 31405
t. 912.232-0451 / f. 912.232.0453
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From: Brandon Wall <B_Wall@slighec.com>
Sent: Friday, September 21, 2018 9:15 AM
To: 'Tobler, Paul' <paul.tobler@dnr.ga.gov>
Cc: 'Noble, Josh' <Josh.Noble@dnr.ga.gov>; 'Barreiro, Deb' <Deb.Barreiro@dnr.ga.gov>
Subject: RE: JD discrepancy

Paul,

As we discussed. The line that was highlighted on the survey is just a survey tie line, not a flagged/surveyed JD boundary. Notice it is a different hatching than the JD line. Apparently the line was never picked up under the wooden deck, so this survey just shows two marsh lines that are not connected. Sorry I did not notice this earlier so we could have remedied it prior to the application. I've attached a photograph and a google earth image that should help illustrate. This tie line goes through upland landward of planted pampas grass, live oak, and palm tree.

I propose to let me set the line under the deck, whether it be the bulkhead or landward of the bulkhead, but it needs to be an accurate reflection of where the marsh boundary is. Maybe it winds up being at the edge of the deck, but its not going to be the tie line on the survey. We can then have it surveyed and the map amended for the JD.

Thanks,

Brandon W. Wall
Project Biologist

Untitled Map

Write a description for your map.

Legend

A8 to Old
Marshline

A1 to Old
Marshline



Tobler, Paul

From: Brandon Wall <B_Wall@slighec.com>
Sent: Friday, September 21, 2018 9:15 AM
To: Tobler, Paul
Cc: Noble, Josh; Barreiro, Deb
Subject: RE: JD discrepancy
Attachments: 20180921083134926.pdf

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Thanks,

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31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405
t. 912.232-0451 / f. 912.232.0453
<http://www.slighec.com>

From: Tobler, Paul <paul.tobler@dnr.ga.gov>
Sent: Friday, September 21, 2018 8:02 AM
To: Brandon Wall <B_Wall@slighec.com>
Cc: Noble, Josh <Josh.Noble@dnr.ga.gov>
Subject: RE: JD discrepancy

Brandon,

I am afraid that this is not the case. The survey I sent you depicts the verified JD line, dated April 18, 2017, that you mentioned in your project description. Deb re-verified that line while we were on site 9/19/18. She should have a letter to me sometime next week. I know that this will significantly change the drawings and marsh impacts of the project so I wanted to notify you as soon as I noticed the discrepancy. I would be happy to talk to you about this and the other issues that came up on site with you whenever you have time. I will be in my office all day today.

Sincerely,

Paul D. Tobler
Coastal Permit Coordinator
Coastal Resources Division
(912) 262-3134 | M: (912) 689-6261
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From: Brandon Wall [mailto:B_Wall@slighec.com]
Sent: Thursday, September 20, 2018 4:41 PM
To: Tobler, Paul <paul.tobler@dnr.ga.gov>
Subject: RE: JD discrepancy

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Paul,

I didn't even notice that. Looks like RLC just tied to each side of the deck and the surveyor did not pick up the bulkhead/OHWM underneath to connect the two lines. The line you have highlighted that goes between L32 and L33 is just a survey tie line that goes through upland.

Let me do a little digging on the survey info for the bulkhead, but the JD line is going to go underneath the wooden deck.

Thanks,

Brandon W. Wall
Project Biologist
sligh **environmental consultants, inc.**
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405
t. 912.232-0451 / f. 912.232.0453
<http://www.slighec.com>

From: Tobler, Paul <paul.tobler@dnr.ga.gov>
Sent: Thursday, September 20, 2018 3:19 PM
To: Brandon Wall <B_Wall@slighec.com>
Subject: JD discrepancy

Brandon,

Please see the attached image of the verified JD line and the drawing of the existing conditions at the Lightship site. Please address the discrepancy between the JD I highlighted on the drawing you submitted and the surveyed JD. Call if you have questions. Thanks.

Sincerely,

Paul D. Tobler
Coastal Permit Coordinator
Coastal Resources Division
(912) 262-3134 | M: (912) 689-6261
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Untitled Map

Write a description for your map.

Legend

-  OPEN WATER 87
-  Phoenix MLW



Wetland Flag
133 on survey

Survey Tie Line



Tobler, Paul

From: Noble, Josh
Sent: Monday, September 17, 2018 11:21 AM
To: Tobler, Paul
Subject: FW: Lightship Marina Permit Application

From: Brandon [mailto:b_wall@slighec.com]
Sent: Thursday, September 13, 2018 5:35 PM
To: Noble, Josh <Josh.Noble@dnr.ga.gov>
Cc: Jason Ball <jason@ballmaritime.com>; Guy Davidson <gpd@daicommercial.com>
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